

## **EXHIBIT R**

CONFIDENTIAL

Page 1

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
AGENCE FRANCE PRESSE,

Plaintiff,

-against- No. 10-CV-2730 (WHP)

DANIEL MOREL,

Defendant and  
Counterclaim Plaintiff.

-against-

AGENCE FRANCE PRESSE,

Counterclaim Defendant,

-and-

GETTY IMAGES (US), INC., CBS BROADCASTING,  
INC., ABC, INC., TURNER BROADCASTING, INC and  
(AFP and Getty Licensees does 1 - et al.)

Third-Party Counterclaim  
Defendants.

-----x  
DEPOSITION OF KATHERINE CALHOUN  
New York, New York  
Friday, September 9, 2011

Reported by:  
Aydil M. Torres  
JOB NO. 1-6241

## CONFIDENTIAL

Page 10	Page 12
<p>1 Katherine Calhoun</p> <p>2 licensed. We licensed everything that was in</p> <p>3 the Getty arsenal sort of speak.</p> <p>4 Q. I see. When you started, where was</p> <p>5 that arsenal or that repository based?</p> <p>6 A. The actual content based?</p> <p>7 Q. Yes.</p> <p>8 Was it on a computer?</p> <p>9 A. Yes, yes.</p> <p>10 Q. Or computer system?</p> <p>11 A. Yes, it was mostly digital. We</p> <p>12 would do some deep file, is what we call our</p> <p>13 archival material, which is generally based</p> <p>14 in our London warehouse.</p> <p>15 Q. At the time that you started --</p> <p>16 when you accessed the database, did you have</p> <p>17 information as to where the images</p> <p>18 originated?</p> <p>19 A. Yes, yes. Of course.</p> <p>20 Q. How would that be identified for</p> <p>21 you at the time that you started as sales</p> <p>22 manager on the computer system?</p> <p>23 A. It would be identified in --</p> <p>24 usually, what is the image or asset detail</p> <p>25 page. So as someone goes on our website --</p>	<p>1 Katherine Calhoun</p> <p>2 A. No.</p> <p>3 Q. How long did you stay as sales</p> <p>4 manager, as you've described it?</p> <p>5 A. Through June of 2007, I think.</p> <p>6 Q. And did you assume a different</p> <p>7 position at that time?</p> <p>8 A. Yeah, then I was sales director. I</p> <p>9 was sales director, then -- one of two sales</p> <p>10 directors overseeing the whole media team for</p> <p>11 North America.</p> <p>12 Q. And how long did you hold that</p> <p>13 position?</p> <p>14 A. Well, I held that title for --</p> <p>15 let's see, then. Through April of 2010, I</p> <p>16 think, but the purview changed a bit just</p> <p>17 with acquisitions and so forth.</p> <p>18 Q. I'm sorry, was that April 2007 to</p> <p>19 April 2010?</p> <p>20 A. It was June 2007 to April 2010, I</p> <p>21 think.</p> <p>22 Q. And what did you do in general as</p> <p>23 sales director?</p> <p>24 A. As sales director I, again --</p> <p>25 initially, I was one of two people that then</p>
Page 11	Page 13
<p>1 Katherine Calhoun</p> <p>2 and it's true today as well -- if you open up</p> <p>3 that image it has the -- all the image</p> <p>4 details shows where it came from. It's also</p> <p>5 embedded in the file.</p> <p>6 Q. And when you were licensing content</p> <p>7 to book publishers in your capacity as sales</p> <p>8 manager, did you take steps to verify that</p> <p>9 Getty Images had the authority to license</p> <p>10 that image?</p> <p>11 A. Well, in my capacity as sales</p> <p>12 manager, particularly then, did I personally</p> <p>13 take those steps, no.</p> <p>14 Q. Did you do anything to assure</p> <p>15 yourself that Getty had the ability to</p> <p>16 license and the right to license the content</p> <p>17 that you were licensing to book publishers?</p> <p>18 A. No, it wasn't -- it wasn't part of</p> <p>19 my purview and it wasn't necessary. By the</p> <p>20 time the content got to our teams, generally,</p> <p>21 that -- that had been taken care of.</p> <p>22 Q. Okay. And did you play any role,</p> <p>23 while you were sales manager, in verifying</p> <p>24 the permissibility of licensing any of the</p> <p>25 content?</p>	<p>1 Katherine Calhoun</p> <p>2 managed the whole media team for North</p> <p>3 America, so it expanded beyond the six-person</p> <p>4 group to -- I don't even know how many.</p> <p>5 Maybe 18 or 20, and then my codirector</p> <p>6 subsequently left the company to move to</p> <p>7 Singapore, and I took over the larger</p> <p>8 purview.</p> <p>9 Q. Okay. When you talk about the</p> <p>10 media group, at the time that you assumed the</p> <p>11 position of sales director, what are you</p> <p>12 referring to?</p> <p>13 A. I mean all the dedicated sales</p> <p>14 teams in Getty that work with media clients</p> <p>15 or that specialize with media clients.</p> <p>16 Q. And what do you mean by "media</p> <p>17 clients"?</p> <p>18 A. In Getty's world, media clients are</p> <p>19 broadcasters, newspapers, book publishers,</p> <p>20 still educational clients, magazines, and</p> <p>21 online.</p> <p>22 Q. And was it the media group's job to</p> <p>23 sell or license content to the entities that</p> <p>24 you identified?</p> <p>25 A. Yes.</p>

4 (Pages 10 to 13)

## CONFIDENTIAL

Page 18	Page 20
<p>1 Katherine Calhoun</p> <p>2 Q. And was there a typical</p> <p>3 arrangement?</p> <p>4 Would there be a contract between</p> <p>5 Getty and the assigned media client?</p> <p>6 A. In some cases.</p> <p>7 Q. But not in all cases?</p> <p>8 A. Not in all cases.</p> <p>9 Q. And typically would such entities</p> <p>10 pay a monthly fee?</p> <p>11 A. A subset of them would.</p> <p>12 Q. Is that a majority or less than a</p> <p>13 majority?</p> <p>14 A. Less than a majority.</p> <p>15 Q. Okay. Was there a typical</p> <p>16 compensation arrangement between Getty and</p> <p>17 the assigned media clients?</p> <p>18 A. Typical, no.</p> <p>19 Q. Okay. Were there some that</p> <p>20 occurred with greater frequency than others?</p> <p>21 That is, the contractual</p> <p>22 relationship, the monthly subscription or</p> <p>23 payments or anything along those lines?</p> <p>24 A. So, sorry, were there some that</p> <p>25 occurred more frequently? The "some" is</p>	<p>1 Katherine Calhoun</p> <p>2 Washington Post and then you said</p> <p>3 Wall Street Journal.</p> <p>4 MR. BAIO: Oh, I'm sorry. I</p> <p>5 meant -- mean Washington Post.</p> <p>6 THE WITNESS: Yes.</p> <p>7 MR. BAIO: And I'll stay</p> <p>8 with the Washington Post.</p> <p>9 Q. And did you, since June of 2007,</p> <p>10 have any dealings with the Washington Post,</p> <p>11 personally?</p> <p>12 A. Yes.</p> <p>13 Q. And is the Washington Post, in your</p> <p>14 view, a significant client of Getty?</p> <p>15 A. Yeah.</p> <p>16 Q. What, generally, if you can</p> <p>17 generalize, have been your contacts with the</p> <p>18 Washington Post people since you assumed the</p> <p>19 position of director?</p> <p>20 A. Generally, in my role it's been</p> <p>21 working with the salesperson who was assigned</p> <p>22 to the Washington Post, to get on the phone</p> <p>23 with them and talk through pricing</p> <p>24 arrangements, and in some cases, in-person</p> <p>25 meeting, singular, I think, in-person</p>
Page 19	Page 21
<p>1 Katherine Calhoun</p> <p>2 what?</p> <p>3 Q. Were some arrangements between the</p> <p>4 assigned media clients and Getty more common</p> <p>5 than others, that is contract is more</p> <p>6 typical, but they're not all contracts. A</p> <p>7 monthly subscription is typical, but it's not</p> <p>8 all the case.</p> <p>9 Is there any typicality at all to</p> <p>10 the relationship?</p> <p>11 A. I would say there is not a lot of</p> <p>12 typicality.</p> <p>13 Q. Okay. Is this Washington Post one</p> <p>14 of the entities?</p> <p>15 A. It is.</p> <p>16 Q. And since June of 2007, has that</p> <p>17 been an assigned media client?</p> <p>18 A. Yes.</p> <p>19 Q. And have you had dealings from time</p> <p>20 to time with people at Getty who have</p> <p>21 relationships with the people at Wall Street</p> <p>22 Journal?</p> <p>23 A. Yes.</p> <p>24 Q. Did you yourself --</p> <p>25 MR. ROSENFELD: You said</p>	<p>1 Katherine Calhoun</p> <p>2 meeting.</p> <p>3 Q. Okay. Do you know what the</p> <p>4 contractual relationship, if there is one,</p> <p>5 between Getty Images and the Washington Post?</p> <p>6 A. Currently we have an editorial</p> <p>7 subscription with them, and we have also a</p> <p>8 component which is a premium access</p> <p>9 subscription, which is a way for them to</p> <p>10 access contributor content.</p> <p>11 Q. "Editorial subscription," what is</p> <p>12 that?</p> <p>13 A. An editorial subscription, in that</p> <p>14 case, is in effect a monthly service fee that</p> <p>15 allows our clients to access and use our</p> <p>16 wholly owned -- so Getty content created by</p> <p>17 Getty staffers are wholly owned editorial</p> <p>18 news, sports and entertainment content, as</p> <p>19 well as some select image partners.</p> <p>20 Q. And who are the select image</p> <p>21 partners?</p> <p>22 Is there a list?</p> <p>23 Are there many?</p> <p>24 A. No. There -- at most, I would say,</p> <p>25 maybe be 3 to 5.</p>

6 (Pages 18 to 21)

## CONFIDENTIAL

Page 22	Page 24
<p>1 Katherine Calhoun</p> <p>2 Q. I see. Who are they now?</p> <p>3 A. In the Washington Post,</p> <p>4 specifically, now, I can't speak to -- I</p> <p>5 don't know off the top of my head which sport</p> <p>6 entities content may be in there but they do</p> <p>7 have AFP, Agence France Presse.</p> <p>8 Q. Are there any others you can think</p> <p>9 of?</p> <p>10 A. No.</p> <p>11 Q. Including Washington Post?</p> <p>12 A. Not that I know for sure, no.</p> <p>13 Q. And do you know, approximately, how</p> <p>14 many editorial subscription relationships</p> <p>15 Getty Images has with these access clients?</p> <p>16 A. How many editorial --</p> <p>17 Q. Assigned clients. I'm sorry.</p> <p>18 A. No.</p> <p>19 Q. Is it in the thousands?</p> <p>20 A. No, no.</p> <p>21 Q. Okay. An estimate will do.</p> <p>22 A. Maybe between 1 and 200 as an</p> <p>23 estimate.</p> <p>24 Q. As a general matter, and I'm sure</p> <p>25 with exceptions, does that include a lot of</p>	<p>1 Katherine Calhoun</p> <p>2 Q. Okay. You also talked about</p> <p>3 premium access for some subscribers.</p> <p>4 What is that?</p> <p>5 A. Premium access is a pricing</p> <p>6 agreement arrangement which allows us to</p> <p>7 offer, in effect, the ease of a subscription</p> <p>8 to our customers but enables us to have the</p> <p>9 ability to pay out royalties image by image</p> <p>10 or asset by asset on the back end.</p> <p>11 Q. What does that mean?</p> <p>12 Pay out royalties to who?</p> <p>13 A. To the contributors. Contributing</p> <p>14 photographers, filmmakers, and so forth, who</p> <p>15 have given us that content or who have</p> <p>16 allowed us to license the content.</p> <p>17 Q. And that's -- that content is only</p> <p>18 available to premium access customers?</p> <p>19 A. No, it wouldn't be -- it's not</p> <p>20 special content that they can only access.</p> <p>21 Is that what you meant?</p> <p>22 Q. Yes.</p> <p>23 A. No, it's not.</p> <p>24 Q. So it's also available on Getty</p> <p>25 Images website and has been?</p>
Page 23	Page 25
<p>1 Katherine Calhoun</p> <p>2 the major media outlets in the United States?</p> <p>3 A. It would include a lot of the major</p> <p>4 breaking news outlets in the United States.</p> <p>5 Q. Now, you referred to, I think,</p> <p>6 Getty-generated or Getty-created content in</p> <p>7 response to my question about what the</p> <p>8 entities would actually have access to.</p> <p>9 What were you referring to there?</p> <p>10 A. It would be content created by</p> <p>11 Getty image staff photographers or</p> <p>12 photographers that we've hired as stringers,</p> <p>13 sort of speak, where we would own the</p> <p>14 copyright.</p> <p>15 Q. I see. And is that database of</p> <p>16 that content, separate and apart from other</p> <p>17 databases that are available to people who</p> <p>18 have access to Getty's website?</p> <p>19 A. It can be set up so it's separate,</p> <p>20 yes.</p> <p>21 Q. Is it a subset of what's available</p> <p>22 on the website or is it information and</p> <p>23 material and product that is not available on</p> <p>24 the website?</p> <p>25 A. No, it's a subset.</p>	<p>1 Katherine Calhoun</p> <p>2 A. That's right.</p> <p>3 Q. And then if a Getty Images client</p> <p>4 or customer uses premium access and acquires</p> <p>5 the rights to an image that is owned by</p> <p>6 someone else but licensed to Getty --</p> <p>7 A. Licensed by Getty?</p> <p>8 Q. Licensed by Getty, okay. You</p> <p>9 referred to a royalty stream and payment</p> <p>10 mechanism.</p> <p>11 How does that work, in general?</p> <p>12 A. To the extent that I know the</p> <p>13 mechanics of that, it's simply that we pay</p> <p>14 out a percentage of our sale on that image to</p> <p>15 the photographer or film maker or what have</p> <p>16 you, as a royalty.</p> <p>17 Q. And what if the -- is it ever the</p> <p>18 case that the image is not Getty-generated</p> <p>19 but available on the website to be licensed</p> <p>20 by clients and there is no royalty paid to</p> <p>21 the photographer who provided the content?</p> <p>22 A. Not Getty-generated, available to</p> <p>23 be licensed, and there's no royalty paid?</p> <p>24 Is that what you're asking?</p> <p>25 Q. Is there such a thing as that?</p>

7 (Pages 22 to 25)

## CONFIDENTIAL

Page 26	Page 28
<p>1 Katherine Calhoun</p> <p>2 Does that happen?</p> <p>3 A. There may be cases in acquisitions</p> <p>4 where we've acquired content and now own it</p> <p>5 outright, but we weren't -- didn't generate</p> <p>6 it.</p> <p>7 Q. Okay. But you've had -- you,</p> <p>8 meaning, Getty Images, have the rights in</p> <p>9 those --</p> <p>10 A. That's right.</p> <p>11 Q. In those images?</p> <p>12 A. That's right.</p> <p>13 Q. Does Getty Images license to third</p> <p>14 parties, customers and clients, images for</p> <p>15 which Getty does not have the right to</p> <p>16 license?</p> <p>17 A. No.</p> <p>18 Q. In your experience, have you ever</p> <p>19 learned of a situation where Getty Images was</p> <p>20 licensing images to customers and it turned</p> <p>21 out that Getty Images did not have the right</p> <p>22 to do that?</p> <p>23 A. I know of one.</p> <p>24 Q. And is that the case that we're</p> <p>25 talking about here, Daniel Morel?</p>	<p>1 Katherine Calhoun</p> <p>2 now, as you dug in you found out that Getty</p> <p>3 didn't have the right to license what it had</p> <p>4 been licensing?</p> <p>5 A. Not, not to the -- not to the</p> <p>6 phrase you just used, where it turned out</p> <p>7 Getty didn't have the right, no.</p> <p>8 Q. So --</p> <p>9 A. Not, not that I recall. No.</p> <p>10 Q. So in that respect, the Morel</p> <p>11 situation is unique in your experience?</p> <p>12 A. In many ways the Morel situation is</p> <p>13 unique in my experience, yes.</p> <p>14 Q. How many ways is it unique?</p> <p>15 A. Maybe best not to count.</p> <p>16 Q. We'll go through with it as we</p> <p>17 proceed.</p> <p>18 Have you on occasion in your</p> <p>19 capacity --</p> <p>20 MR. BAIO: Strike that.</p> <p>21 Q. Let me get the rest of your history</p> <p>22 just to be sure I have it right. I think we</p> <p>23 moved up to April 2010, you were sales</p> <p>24 director of the media group that you</p> <p>25 identified.</p>
Page 27	Page 29
<p>1 Katherine Calhoun</p> <p>2 A. Yes, that's right.</p> <p>3 Q. Is that the only instance that you</p> <p>4 know of where Getty was licensing to third</p> <p>5 parties, customers or clients, product that</p> <p>6 Getty did not have the right to license?</p> <p>7 A. That is the only instance I know of</p> <p>8 where an image or a set of images was pulled</p> <p>9 for copyright, for questions around the</p> <p>10 copyright.</p> <p>11 Q. And that's true --</p> <p>12 A. And --</p> <p>13 Q. I'm sorry.</p> <p>14 A. Yeah.</p> <p>15 Q. That's true in your history of</p> <p>16 working at Getty Images?</p> <p>17 A. Yeah. There have been cases where</p> <p>18 there were some questions on certain content,</p> <p>19 and we dug into it and worked through them to</p> <p>20 positive outcome.</p> <p>21 Q. Okay.</p> <p>22 A. Shall we say.</p> <p>23 Q. Were there any instances that you</p> <p>24 recall where the conclusion was a negative</p> <p>25 outcome, that is, and leave aside Morel for</p>	<p>1 Katherine Calhoun</p> <p>2 Did you have a change of position</p> <p>3 at that point?</p> <p>4 A. Yeah, then I just had a promotion</p> <p>5 to a senior sales director position and...but</p> <p>6 I think the responsibilities, effectively,</p> <p>7 were the same.</p> <p>8 Q. Did you assume any larger group or</p> <p>9 larger geographic location as a result of the</p> <p>10 promotion?</p> <p>11 A. No. I mean, before the promotion</p> <p>12 our team had been growing, so it's now a team</p> <p>13 of around 38 across North America and our</p> <p>14 business has been growing, just by virtue of</p> <p>15 what's going on in the industry.</p> <p>16 Q. Okay. So in your experience at</p> <p>17 Getty Images, have you ever been called upon</p> <p>18 to contact customers or clients of Getty</p> <p>19 Images and tell them not to use certain</p> <p>20 images that had been licensed to them?</p> <p>21 A. Personally?</p> <p>22 Q. Yes.</p> <p>23 A. Once for sure, that I remember.</p> <p>24 Once for sure on -- yeah, once for sure that</p> <p>25 I remember.</p>

8 (Pages 26 to 29)

## CONFIDENTIAL

Page 30	Page 32
<p>1 Katherine Calhoun</p> <p>2 Q. What's the once for sure?</p> <p>3 A. Would've been on this case talking</p> <p>4 to the New York Times.</p> <p>5 Q. Talking to the New York Times about</p> <p>6 the Morel images?</p> <p>7 A. That's right.</p> <p>8 Q. Now, what about within your group,</p> <p>9 that is -- and let me not even leave it at</p> <p>10 that. Let me make it broader.</p> <p>11 In your experience at Getty Images,</p> <p>12 have you been involved in any recall of an</p> <p>13 image?</p> <p>14 A. Yes.</p> <p>15 Q. And what's your understanding of a</p> <p>16 recall of an image at Getty Images?</p> <p>17 A. Well, let me clarify. Recall of an</p> <p>18 image is not a term that we generally use.</p> <p>19 Q. Okay.</p> <p>20 A. What generally would happen is we</p> <p>21 pull an image, means you pull it off the</p> <p>22 website, and there could be a number of</p> <p>23 reasons for that.</p> <p>24 Q. But there usually would be a</p> <p>25 reason; is that correct?</p>	<p>1 Katherine Calhoun</p> <p>2 at the most, and, like, just, you know...</p> <p>3 Q. And they could be for different</p> <p>4 reasons?</p> <p>5 A. Yeah, absolutely.</p> <p>6 Q. Let's take this year, just as an</p> <p>7 example.</p> <p>8 A. Okay.</p> <p>9 Q. From January 1, and I realize there</p> <p>10 may be spillover from the year before and,</p> <p>11 again, general numbers.</p> <p>12 How many instances are you aware</p> <p>13 where Getty Images has pulled an image from</p> <p>14 the website and you or your staff have</p> <p>15 contacted clients or customers about the</p> <p>16 image?</p> <p>17 A. Maybe three or four.</p> <p>18 Q. Do you recall the context of that</p> <p>19 -- those three or four?</p> <p>20 A. Well, about three of them -- well,</p> <p>21 in the four I'm thinking, they all have to do</p> <p>22 with either the photographer or the publicist</p> <p>23 for the person in it, so it's generally a</p> <p>24 celebrity giving us a hard time about them</p> <p>25 not liking the photograph, and in certain</p>
Page 31	Page 33
<p>1 Katherine Calhoun</p> <p>2 A. Oh, yes.</p> <p>3 Q. Some --</p> <p>4 A. Yes.</p> <p>5 Q. Something causes Getty images to</p> <p>6 pull the image off its website?</p> <p>7 A. That's right.</p> <p>8 Q. And has that occurred, so far as</p> <p>9 you know during your tenure at --</p> <p>10 A. Yes.</p> <p>11 Q. -- Getty Images?</p> <p>12 How many times has that happened,</p> <p>13 if you can identify the numbers?</p> <p>14 A. Let me make a distinction.</p> <p>15 How many times we've actually</p> <p>16 pulled images off the site?</p> <p>17 Q. Yes.</p> <p>18 A. That wouldn't necessarily be my</p> <p>19 decision, so I'm not -- I couldn't give you a</p> <p>20 number or even an estimate of how often it</p> <p>21 just happens. How often we need to contact</p> <p>22 clients about it?</p> <p>23 Q. Yeah.</p> <p>24 A. It's very inconsistent and it could</p> <p>25 happen, I would say, maybe ten times a year,</p>	<p>1 Katherine Calhoun</p> <p>2 cases the photographers or publicists have</p> <p>3 approval for high-end portraiture, this is</p> <p>4 where it has happened most often, and they</p> <p>5 want us to pull it because they don't like</p> <p>6 the way their, you know, client --</p> <p>7 Q. They look or --</p> <p>8 A. -- is being depicted or whatever.</p> <p>9 Q. And then in those, let's say, four</p> <p>10 instances -- there were four that you can</p> <p>11 recall that occurred during this year?</p> <p>12 A. Yeah, not specifically, but I do</p> <p>13 know there have been three or four portrait</p> <p>14 sets have been pulled.</p> <p>15 Q. Okay. How was it that you were</p> <p>16 informed that the image was going to be</p> <p>17 pulled and you or your staff were to contact</p> <p>18 clients or customers of Getty Image about</p> <p>19 that fact?</p> <p>20 A. Well, let me be clear. Of those</p> <p>21 four, there was only one where our team had</p> <p>22 to contact their customers.</p> <p>23 Q. Okay. So is it fair to say, just</p> <p>24 so I have that clear, in the three instances</p> <p>25 it was pulled off the website, but there was</p>



## CONFIDENTIAL

Page 50	Page 52
<p>1 Katherine Calhoun</p> <p>2 report that's in Exhibit 1?</p> <p>3 A. Have I seen reports like this,</p> <p>4 specific to this case?</p> <p>5 Q. No, in general.</p> <p>6 A. In general, not exactly, no.</p> <p>7 Q. Okay. What is your understanding</p> <p>8 as to what Exhibit 1 represents?</p> <p>9 A. Given the fact that it says</p> <p>10 "purchases" up here, my understanding is that</p> <p>11 it represents all the details of the number</p> <p>12 of a la carte purchases that were made</p> <p>13 involving this specific set of images in</p> <p>14 question.</p> <p>15 Q. Now, when you say a la carte</p> <p>16 purchases, what leads you to believe that</p> <p>17 this document relates to a la carte</p> <p>18 purchases?</p> <p>19 A. I believe it's simply the</p> <p>20 designated purchases up here.</p> <p>21 Q. You're now looking at Exhibit 2.</p> <p>22 A. I'm just comparing them.</p> <p>23 Q. Okay, you can. Take your time.</p> <p>24 A. Because it doesn't indicate as --</p> <p>25 it doesn't indicate the download source as it</p>	<p>1 Katherine Calhoun</p> <p>2 world.</p> <p>3 Q. All right. As we go through this</p> <p>4 exhibit, if you see that some of the clients</p> <p>5 or one of the clients is not an a la carte</p> <p>6 customer, please let me know and you can look</p> <p>7 at it now.</p> <p>8 A. To clarify --</p> <p>9 Q. Yes.</p> <p>10 A. As I say, I know the ones that are</p> <p>11 in my world, which would be the assigned</p> <p>12 North America media team.</p> <p>13 Q. Well, let me ask a broader</p> <p>14 question, does the information that appears</p> <p>15 in Exhibit 1 identify every instance in which</p> <p>16 someone or some entity acquired the Morel</p> <p>17 images from Getty Images at some point in</p> <p>18 time?</p> <p>19 A. Does this reflect every instance</p> <p>20 where a client acquired?</p> <p>21 Q. Yes.</p> <p>22 A. Meaning, accessed the images?</p> <p>23 What do you mean by "acquired"?</p> <p>24 Q. I'll mean that it in the broadest</p> <p>25 sense, either paid for -- let's take it that</p>
Page 51	Page 53
<p>1 Katherine Calhoun</p> <p>2 does in Exhibit 2.</p> <p>3 Q. If you look on the upper right-hand</p> <p>4 corner of Exhibit 1 it says "purchases"?</p> <p>5 A. Right.</p> <p>6 Q. In the upper right-hand corner of</p> <p>7 Exhibit 2 it says "downloads," do you see</p> <p>8 that?</p> <p>9 A. Right, that's the key distinction.</p> <p>10 Q. So they're reflecting, that is</p> <p>11 Exhibit 1 is reflecting different</p> <p>12 information, even though there may be some</p> <p>13 overlap, than what appears in Exhibit 2; is</p> <p>14 that correct?</p> <p>15 A. That's right.</p> <p>16 Q. And with that understanding, is</p> <p>17 there anything about Exhibit 1 that leads you</p> <p>18 to conclude that it is only reflecting a la</p> <p>19 carte purchases?</p> <p>20 A. Well, to the extent that I'm</p> <p>21 familiar with it, looking at the list of</p> <p>22 clients and so forth, I know that these are a</p> <p>23 la carte clients.</p> <p>24 Q. Okay. And you have --</p> <p>25 A. To the extent that they fall in my</p>	<p>1 Katherine Calhoun</p> <p>2 way, first.</p> <p>3 They actually paid for the right to</p> <p>4 use the image. Does this Exhibit 1 identify</p> <p>5 every instance in which a customer or a</p> <p>6 client, a la carte or otherwise, of Getty,</p> <p>7 acquired for payment the Morel images?</p> <p>8 A. No.</p> <p>9 Q. Okay. What is excluded from this</p> <p>10 chart?</p> <p>11 A. Well, to the extent that the images</p> <p>12 were included in paying subscription clients.</p> <p>13 Q. Yes.</p> <p>14 A. Those do not appear to be reflected</p> <p>15 here.</p> <p>16 Q. Okay. So just to be clear, that I</p> <p>17 understand, perhaps for the record, there are</p> <p>18 a group of clients that Getty Images has who</p> <p>19 pay regular subscriptions, correct?</p> <p>20 A. That's right.</p> <p>21 Q. The subscription payment that they</p> <p>22 make entitles them to use images that Getty</p> <p>23 makes available on its website?</p> <p>24 A. That's right.</p> <p>25 Q. And if any subscription customers</p>

14 (Pages 50 to 53)



## CONFIDENTIAL

Page 58	Page 60
<p>1 Katherine Calhoun</p> <p>2 understand, the results of the work that you</p> <p>3 did, you and your group for the period</p> <p>4 thereafter, is reflected in either one of</p> <p>5 those exhibits to the extent a Getty customer</p> <p>6 acquired for compensation, for money, the</p> <p>7 Morel images?</p> <p>8 A. Yes.</p> <p>9 Q. Let's talk about the Morel images.</p> <p>10 A. Okay.</p> <p>11 Q. Because I'm using a term.</p> <p>12 Do you have an understanding of the</p> <p>13 Morel images that are the subject of the</p> <p>14 lawsuit?</p> <p>15 A. I do.</p> <p>16 Q. What is your understanding?</p> <p>17 A. My understanding is there were a</p> <p>18 set of photographs that Mr. Morel took in</p> <p>19 Haiti on January 12th that are the images</p> <p>20 that are the subject of this discussion.</p> <p>21 Q. And do you have an understanding as</p> <p>22 to how many images are involved in this</p> <p>23 lawsuit?</p> <p>24 A. Roughly. I don't have the exact</p> <p>25 number.</p>	<p>1 Katherine Calhoun</p> <p>2 Q. Irrespective of the name that was</p> <p>3 used in the credit, you're talking about 12</p> <p>4 to 18 images?</p> <p>5 A. I believe.</p> <p>6 Q. Do you know if the Morel images</p> <p>7 also appeared under any other credit?</p> <p>8 A. Aside from Daniel Morel and --</p> <p>9 Q. Lisandro Suero.</p> <p>10 A. -- Lisandro Suero?</p> <p>11 I believe there may have been an</p> <p>12 early time, a brief period when they were</p> <p>13 identified just as being part of AFP and not</p> <p>14 with the photographer, slash, source.</p> <p>15 Q. Okay. And the indication there was</p> <p>16 just AFP, that was the credit, at least</p> <p>17 that's your understanding?</p> <p>18 A. That's right.</p> <p>19 Q. And, again, if the images were</p> <p>20 taken by Mr. Morel but had that credit, are</p> <p>21 you including them in the definition of Morel</p> <p>22 images, in your mind?</p> <p>23 A. In my mind, yes.</p> <p>24 Q. Okay. And do you believe that</p> <p>25 irrespective of the credit line that was used</p>
Page 59	Page 61
<p>1 Katherine Calhoun</p> <p>2 Q. What's the rough number?</p> <p>3 A. I think between 12 and 18, I think.</p> <p>4 Q. When you refer to the Morel images,</p> <p>5 are you aware that there are identical images</p> <p>6 that have been identified in some other name?</p> <p>7 A. Yes.</p> <p>8 Q. What is the other name?</p> <p>9 A. Suarez --</p> <p>10 Q. Lisandro Suero?</p> <p>11 A. Yes, Suero.</p> <p>12 Q. What is your understanding about</p> <p>13 Mr. Suero?</p> <p>14 A. About him specifically, I have no</p> <p>15 understanding.</p> <p>16 Q. But you do understand that he</p> <p>17 didn't take the pictures, correct?</p> <p>18 A. I do, and when I said the number of</p> <p>19 images --</p> <p>20 Q. Yes.</p> <p>21 A. -- I was referring specifically to</p> <p>22 the images.</p> <p>23 Q. I understand. So are there --</p> <p>24 excuse me.</p> <p>25 MR. BAIO: Strike that.</p>	<p>1 Katherine Calhoun</p> <p>2 for the images, Exhibit 1 identifies all of</p> <p>3 the purchases of the Morel images, leaving</p> <p>4 aside subscriptions and premium access; is</p> <p>5 that correct?</p> <p>6 A. That's my understanding.</p> <p>7 Q. Okay. And --</p> <p>8 MR. ROSENFELD: Just so --</p> <p>9 just to be clear, we prepared her</p> <p>10 as a 30-B(6) witness on the topics</p> <p>11 we discussed which have to do with</p> <p>12 customer relations, customer</p> <p>13 notification, and matters having to</p> <p>14 do with intake of the photos are</p> <p>15 not within her expertise but I</p> <p>16 understand you're just sort of</p> <p>17 setting up to ask about the</p> <p>18 customer --</p> <p>19 MR. BAIO: Yeah, well the</p> <p>20 30-B(6) and the exchanges that</p> <p>21 we've had say what they say as to</p> <p>22 what she knows and what we're</p> <p>23 asking about but, yes, a lot of</p> <p>24 this is foundational but she is the</p> <p>25 witness that's going to testify</p>

16 (Pages 58 to 61)

## CONFIDENTIAL

Page 78	Page 80
<p>1 Katherine Calhoun</p> <p>2 a new order but a negative one, so it has a</p> <p>3 later date.</p> <p>4 Q. Is there an example of that in</p> <p>5 here?</p> <p>6 A. Yeah, here's row 18.</p> <p>7 Q. On the first page of Exhibit 1?</p> <p>8 A. That's right.</p> <p>9 Q. Yeah.</p> <p>10 A. And it's National Geographic dot</p> <p>11 com under column K, so you see the date is</p> <p>12 4/7, so April 7th, 2010.</p> <p>13 Q. Yes.</p> <p>14 A. So that's --</p> <p>15 Q. How does that show me the</p> <p>16 cancellation?</p> <p>17 A. It doesn't indicate. It doesn't</p> <p>18 indicate here that it's a cancellation</p> <p>19 because this -- this particular report</p> <p>20 doesn't include -- oh, no, here it is. I'm</p> <p>21 sorry, I'm sorry. Here it is. In column D,</p> <p>22 it's a negative number.</p> <p>23 Q. Right. Well, both columns for</p> <p>24 National Geographic, 18 and 19, have negative</p> <p>25 numbers.</p>	<p>1 Katherine Calhoun</p> <p>2 fact that National Geographic received a</p> <p>3 credit?</p> <p>4 A. That's right.</p> <p>5 Q. Now, did all entities identified on</p> <p>6 this list, Exhibit 1, receive a credit for</p> <p>7 the amounts that they had paid Getty for the</p> <p>8 licenses used?</p> <p>9 A. No.</p> <p>10 Q. Did you play any role in deciding</p> <p>11 whether there would be a reimbursement of</p> <p>12 entities or individuals who purchased the</p> <p>13 images a la carte, even though Getty didn't</p> <p>14 have the right to sell the images?</p> <p>15 THE WITNESS: I'm sorry,</p> <p>16 read me the question -- tell me the</p> <p>17 question again.</p> <p>18 (Whereupon, the requested</p> <p>19 portion was read by the reporter.)</p> <p>20 A. Not really.</p> <p>21 Q. Who made that decision, if anyone</p> <p>22 made the decision, that you know?</p> <p>23 A. Well, in the decision to decide</p> <p>24 whether Getty issued a refund?</p> <p>25 Q. Yes.</p>
Page 79	Page 81
<p>1 Katherine Calhoun</p> <p>2 Do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. Are each of those a cancellation of</p> <p>5 what's entered and completed on or about</p> <p>6 April 7, 2010?</p> <p>7 A. That's right.</p> <p>8 Q. Where is the transaction that's</p> <p>9 being cancelled on this chart?</p> <p>10 A. Oh, here it is. Here it is.</p> <p>11 Q. Which page?</p> <p>12 A. Page five of six.</p> <p>13 Q. Yes.</p> <p>14 A. It's rows -- this is small type, 95</p> <p>15 and 96.</p> <p>16 Q. So rows 95 and 96 show a completed</p> <p>17 order by National Geographic for two images,</p> <p>18 two of the Morel images on January 27, 2010,</p> <p>19 correct?</p> <p>20 A. Yup, that's right.</p> <p>21 Q. And what rows 18 and 19 tell us is</p> <p>22 that those transactions were cancelled on</p> <p>23 April 7, 2010; is that correct?</p> <p>24 A. That's right.</p> <p>25 Q. And does the minus 75 identify the</p>	<p>1 Katherine Calhoun</p> <p>2 A. Actually, in the case of National</p> <p>3 Geographic dot com, specifically, the</p> <p>4 individual salesperson -- I guess it was</p> <p>5 more...it wasn't one specific person.</p> <p>6 Q. Okay.</p> <p>7 A. That's my quick answer.</p> <p>8 Q. All right. Well, did -- is it fair</p> <p>9 and accurate to say that Getty Images --</p> <p>10 someone at Getty Images determined that there</p> <p>11 would not be an automatic reimbursement to</p> <p>12 everyone who paid for the Morel images of the</p> <p>13 amounts that they paid; is that correct, so</p> <p>14 far as you understand?</p> <p>15 A. I actually -- I don't think it's</p> <p>16 quite an accurate characterization the way</p> <p>17 you're phrasing it.</p> <p>18 Q. Okay.</p> <p>19 A. Was there one person who determined</p> <p>20 there would be no automated -- automatic</p> <p>21 refunds is what you said?</p> <p>22 Q. First I'm asking, I guess, did</p> <p>23 Getty Images adopt the policy, in connection</p> <p>24 with the Morel images, that if you bought it</p> <p>25 from Getty and you gave us money, we're going</p>

21 (Pages 78 to 81)

## CONFIDENTIAL

Page 82	Page 84
<p>1 Katherine Calhoun</p> <p>2 to give you the money back?</p> <p>3 Was that determination made, so far</p> <p>4 as you know?</p> <p>5 A. As far as I know, there was</p> <p>6 certainly not a policy adopted, which I think</p> <p>7 was the phrase you used.</p> <p>8 Q. Okay. So it is not the case that</p> <p>9 everyone who paid money to Getty for the</p> <p>10 Morel images got their money back, correct?</p> <p>11 A. I believe that's correct.</p> <p>12 Q. Okay. No one ever told you, let's</p> <p>13 just give all of the people and entities who</p> <p>14 bought these images from us -- that we should</p> <p>15 give the money back to them?</p> <p>16 A. No one ever told me that, correct.</p> <p>17 Q. And you never told anybody that</p> <p>18 that's what should be done as a matter of</p> <p>19 customer relations?</p> <p>20 A. No. What we did is we offered all</p> <p>21 of our customers free imagery as replacements</p> <p>22 from our wholly owned content.</p> <p>23 Q. Who made that decision; that is,</p> <p>24 Getty Images would make available to people</p> <p>25 who paid money for the Morel images,</p>	<p>1 Katherine Calhoun</p> <p>2 substitute images?</p> <p>3 A. Not that I know of.</p> <p>4 Q. Okay. Do you have any idea how</p> <p>5 many of the entities that had acquired Morel</p> <p>6 images from Getty availed themselves of the</p> <p>7 ability to use substitute product?</p> <p>8 A. I don't.</p> <p>9 Q. Even a range?</p> <p>10 A. Not even a range.</p> <p>11 Q. Okay. Let's go back to the chart,</p> <p>12 Exhibit 1, and proceed to the right, so what</p> <p>13 is under column the USD sales revenue?</p> <p>14 A. That is the amount of revenue that</p> <p>15 the sale represented in U.S. dollars.</p> <p>16 Q. So if it is a positive number,</p> <p>17 that's how much came in and if it's a</p> <p>18 negative number it's how much went out?</p> <p>19 A. That's right.</p> <p>20 Q. From Getty?</p> <p>21 A. That's right.</p> <p>22 Q. So this first transaction January</p> <p>23 27, 2010 appears to be a cancellation; is</p> <p>24 that correct?</p> <p>25 And I only say that -- I may be</p>
Page 83	Page 85
<p>1 Katherine Calhoun</p> <p>2 substitute images from Getty's own product?</p> <p>3 A. I did have that discussion with</p> <p>4 some of our colleagues in Seattle that that</p> <p>5 would be a good way to address the situation.</p> <p>6 Q. With whom did you have that</p> <p>7 conversation or those conversations?</p> <p>8 A. I believe some of our legal team.</p> <p>9 Q. Okay.</p> <p>10 A. And possibly, possibly someone from</p> <p>11 sales operations.</p> <p>12 Q. And so far as you know, did</p> <p>13 individuals or entities who had paid money</p> <p>14 for the Morel images to Getty avail</p> <p>15 themselves of the opportunity to use</p> <p>16 substitute product?</p> <p>17 A. I believe they did.</p> <p>18 Q. Is there anything on this chart</p> <p>19 that identifies who did and who didn't?</p> <p>20 A. No.</p> <p>21 Q. How about Exhibit 2?</p> <p>22 A. No.</p> <p>23 Q. Are there documents that you can</p> <p>24 secure that would identify those instances</p> <p>25 where individuals or entities received</p>	<p>1 Katherine Calhoun</p> <p>2 wrong but it looks like there's a minus sign</p> <p>3 in front of the dollar amount?</p> <p>4 A. I believe. I can barely tell if</p> <p>5 that's a minus sign. It could be a smudge.</p> <p>6 Q. And the charts were given to us</p> <p>7 from Getty Images.</p> <p>8 A. Yes.</p> <p>9 Q. We're doing the best we can --</p> <p>10 A. No, no --</p> <p>11 Q. In fact, I found gigantoid paper</p> <p>12 that I was able to print it on.</p> <p>13 A. My understanding is it's a</p> <p>14 cancellation, yes.</p> <p>15 Q. Okay. The next column, master ID,</p> <p>16 yet another ID number.</p> <p>17 Do you know what that is?</p> <p>18 A. I do.</p> <p>19 Q. What is it?</p> <p>20 A. That should be the number</p> <p>21 identifying the asset, in this case the</p> <p>22 image. One --</p> <p>23 Q. There's a unique number for each</p> <p>24 image?</p> <p>25 A. It is supposed to be a unique</p>

22 (Pages 82 to 85)

## CONFIDENTIAL

Page 158	Page 160
<p>1 Katherine Calhoun</p> <p>2 they shouldn't use those images?</p> <p>3 A. Well, yes. I mean, it's important</p> <p>4 to distinguish that a number of the people</p> <p>5 here in Exhibit 2 or B, are people that are</p> <p>6 feed clients.</p> <p>7 Q. Okay.</p> <p>8 A. Generally, it's very rare that you</p> <p>9 have clients that only access the images</p> <p>10 through the feed. They'll access some</p> <p>11 breaking news image through the feed but they</p> <p>12 tend to download off the website, as well.</p> <p>13 Usually to augment or what have you.</p> <p>14 Q. But is it fair and accurate to say</p> <p>15 that an entity that has access to the feed</p> <p>16 which goes directly into their system, first</p> <p>17 is that accurate?</p> <p>18 That is, if I am a subscriber who</p> <p>19 gets a feed, does it -- does whatever is</p> <p>20 being fed go automatically into my database</p> <p>21 or my hard drive or my servers?</p> <p>22 A. No.</p> <p>23 Q. What actually gets fed into the</p> <p>24 recipients' databases, if you know?</p> <p>25 A. I don't -- I don't know in a way</p>	<p>1 Katherine Calhoun</p> <p>2 had received those images.</p> <p>3 Q. And the kill notice said what?</p> <p>4 A. My understanding is it said there</p> <p>5 were issues with the Daniel Morel images, you</p> <p>6 shouldn't use them.</p> <p>7 Q. And who wrote that kill notice, if</p> <p>8 you know?</p> <p>9 A. I have no idea.</p> <p>10 Q. Was it AFP or was it Getty?</p> <p>11 A. My understanding is it was someone</p> <p>12 at AFP or people at AFP.</p> <p>13 Q. Did Getty communicate that kill</p> <p>14 notice to any of its customers or clients or</p> <p>15 subscribers?</p> <p>16 A. Separately from that?</p> <p>17 Q. Yes.</p> <p>18 A. No, I don't think they would've</p> <p>19 seen a need to.</p> <p>20 Q. Was there a follow-up notice that</p> <p>21 it shouldn't only be Daniel Morel images but</p> <p>22 it should also be Lisandro Suero images?</p> <p>23 A. Not that I know of.</p> <p>24 Q. And did anybody at Getty undertake</p> <p>25 that when it -- when Getty learned that they</p>
Page 159	Page 161
<p>1 Katherine Calhoun</p> <p>2 that I can answer in detail, no.</p> <p>3 Q. Is it -- do they receive anything</p> <p>4 in a format where they can download it off</p> <p>5 the feed?</p> <p>6 A. They can access it from the feed.</p> <p>7 If the term "download" is accurate or not, I</p> <p>8 don't know.</p> <p>9 Q. Okay. And you don't know whether</p> <p>10 entities that do not appear on Exhibit 2</p> <p>11 accessed the images through a feed?</p> <p>12 A. No, not with any certainty.</p> <p>13 Q. Or with any uncertainty?</p> <p>14 A. Or with any uncertainty.</p> <p>15 Q. And no notification was sent to</p> <p>16 those entities, that is those who had access</p> <p>17 to a feed and don't appear on Exhibit 2, to</p> <p>18 advise them that they shouldn't use in any</p> <p>19 way the Morel images?</p> <p>20 A. No, I didn't say there was no</p> <p>21 notification. I said there's no direct</p> <p>22 personal contact.</p> <p>23 Q. Okay.</p> <p>24 A. There was a kill notice that went</p> <p>25 out over the feeds to every feed client who</p>	<p>1 Katherine Calhoun</p> <p>2 were also the same images under Lisandro</p> <p>3 Suero's name, if you know?</p> <p>4 A. Not that I know of.</p> <p>5 Q. You didn't tell anybody they should</p> <p>6 do that, correct?</p> <p>7 A. Correct. I mean -- correct.</p> <p>8 Q. I marked some additional exhibits,</p> <p>9 and I'd like the reporter to show you what</p> <p>10 we've marked as Exhibit 3. I'll ask you some</p> <p>11 questions about it. I will ask you to look</p> <p>12 at Exhibit 3. I have some questions about</p> <p>13 it.</p> <p>14 A. Yup.</p> <p>15 Q. Have you seen this exhibit before?</p> <p>16 A. Yes.</p> <p>17 Q. And what do you understand it to</p> <p>18 be?</p> <p>19 A. I understand it from my perspective</p> <p>20 to be the first time I became aware of these</p> <p>21 -- it included -- where I first became aware</p> <p>22 of it and checked with Pancho to see if he</p> <p>23 was aware of it.</p> <p>24 Q. In looking at Exhibit 3, which is</p> <p>25 Bates numbered G-003145 to 148, there is an</p>

41 (Pages 158 to 161)

## CONFIDENTIAL

Page 174	Page 176
<p>1 Katherine Calhoun</p> <p>2 A. I think that I sent a communication</p> <p>3 to Cynthia and Heather confirming that I had</p> <p>4 spoken to the New York Times, that this was</p> <p>5 their position, and also Nancy left it that</p> <p>6 she was going to bring it up with her</p> <p>7 lawyers.</p> <p>8 Q. Do you know how the issue resolved</p> <p>9 itself?</p> <p>10 A. The issue eventually resolved</p> <p>11 itself where I believe I suggested, look, if</p> <p>12 you're not going to take the images down at</p> <p>13 all, then you need to give them a full and</p> <p>14 accurate credit, including a reference to</p> <p>15 Corbis, and they did.</p> <p>16 Q. How did you describe the full and</p> <p>17 accurate credit that they should give?</p> <p>18 A. I think along the lines I just did</p> <p>19 to you.</p> <p>20 Q. You said it should be Mr. Morel and</p> <p>21 Corbis?</p> <p>22 A. I believe so.</p> <p>23 Q. Who told you to do that?</p> <p>24 A. I believe in -- I -- I'll tell you,</p> <p>25 I think there was a back and forth maybe when</p>	<p>1 Katherine Calhoun</p> <p>2 received it through the feed or through Getty</p> <p>3 in some way?</p> <p>4 A. By the time I personally was</p> <p>5 dealing with them?</p> <p>6 Q. Yeah.</p> <p>7 A. I didn't know if it was through us</p> <p>8 or the photographer.</p> <p>9 Q. Did you ask them?</p> <p>10 A. Yeah, we did talk about it a bit.</p> <p>11 Nancy and I, and I think from her the answer</p> <p>12 was Merki (phonetic). Understanding, Nancy</p> <p>13 was not the person that would have originally</p> <p>14 had access to the contact.</p> <p>15 Q. Is the New York Times a subscriber</p> <p>16 --</p> <p>17 A. Yes.</p> <p>18 Q. -- of yours?</p> <p>19 Do they fall within your bailiwick?</p> <p>20 A. They do.</p> <p>21 Q. Did you have any other</p> <p>22 conversations with any customers, clients,</p> <p>23 licensees of Getty Images on the subject of</p> <p>24 Morel?</p> <p>25 A. Not that I recall, not directly.</p>
Page 175	Page 177
<p>1 Katherine Calhoun</p> <p>2 I told Heather that they were looking into</p> <p>3 it, and she was talking to her lawyer to see</p> <p>4 if she would change the credit. It may have</p> <p>5 been suggested to me by Heather because I</p> <p>6 said -- basically, I said, look, if they're</p> <p>7 going to change the credit, what's the credit</p> <p>8 it needs to be?</p> <p>9 Q. Do you know how the New York Times</p> <p>10 acquired the image, that is was it through</p> <p>11 the feed, was it through a subscription, was</p> <p>12 it through an a la carte download?</p> <p>13 A. Off the top of my head, I don't</p> <p>14 know.</p> <p>15 Q. Well, it's -- it's not on any of</p> <p>16 these lists, is it?</p> <p>17 A. Then it was either through a feed</p> <p>18 or through the photographer.</p> <p>19 Q. Through the photographer. And if</p> <p>20 the photographer denies it, it had to be</p> <p>21 through the feed, or it may be something else</p> <p>22 but --</p> <p>23 A. Yes.</p> <p>24 Q. And when you were dealing with the</p> <p>25 New York Times, you believed that they had</p>	<p>1 Katherine Calhoun</p> <p>2 Q. I'm going to ask you to look at</p> <p>3 Exhibit 4, which the reporter has marked, and</p> <p>4 ask you if you have seen that before?</p> <p>5 Exhibit 4 is two-sided. The</p> <p>6 documents I'll give you are mostly two-sided</p> <p>7 but not entirely.</p> <p>8 A. Oh, okay.</p> <p>9 Q. Exhibit 4 is an e-mail fragment or</p> <p>10 two with the Bates numbers G00167071.</p> <p>11 Have you ever seen this before?</p> <p>12 A. Yes.</p> <p>13 Q. What is it?</p> <p>14 A. It's an e-mail exchange between me</p> <p>15 and Mark Kushner who's my boss, my manager.</p> <p>16 Q. What is his title?</p> <p>17 A. Vice president of North American</p> <p>18 sales.</p> <p>19 Q. He says in his e-mail to you, "Oh,</p> <p>20 boy, that's not good."</p> <p>21 Do you see that?</p> <p>22 A. Yup.</p> <p>23 Q. What wasn't good?</p> <p>24 A. Well, I believe the fact -- the</p> <p>25 basic situation, but the thing that would've</p>

45 (Pages 174 to 177)



## CONFIDENTIAL

Page 178	Page 180
<p>1 Katherine Calhoun</p> <p>2 elicited that kind of response was that we</p> <p>3 need to contact the clients and address any</p> <p>4 retroactive licenses so any licenses that</p> <p>5 have already taken place, we have -- by that</p> <p>6 time we had determined that we had to go work</p> <p>7 backwards and in effect rescind the licenses</p> <p>8 and communicate that out to every client.</p> <p>9 Q. Do you remember talking to him</p> <p>10 about that subject?</p> <p>11 A. Uh-huh.</p> <p>12 Q. Yes?</p> <p>13 A. I do. Sorry.</p> <p>14 Q. What do you remember about the</p> <p>15 conversations that you had with him on that</p> <p>16 subject?</p> <p>17 A. I think my conversations with him</p> <p>18 were -- first of all, to let him -- to be</p> <p>19 sure he was aware and give him the</p> <p>20 background. Second of all, to let him know</p> <p>21 that right then I was having a number of</p> <p>22 conversations with our legal team in Seattle</p> <p>23 and it was taking up a fair amount of my time</p> <p>24 so as my manager, I just wanted him to know</p> <p>25 that this was something I was dealing with</p>	<p>1 Katherine Calhoun</p> <p>2 A. It was, I think at that point, we</p> <p>3 hadn't captured in our full reports, I</p> <p>4 believe, we hadn't captured all of the</p> <p>5 images, image numbers.</p> <p>6 Q. And do you know why it was that you</p> <p>7 hadn't captured as of March 26, 2010 all of</p> <p>8 the numbers?</p> <p>9 A. No.</p> <p>10 Q. Do you know whether it was because</p> <p>11 they were under Lisandro Suero's name?</p> <p>12 A. I honestly don't know.</p> <p>13 Q. But there was a list that you had</p> <p>14 generated and that list itself, according to</p> <p>15 what you then said to Mr. Kushner, was a long</p> <p>16 list, correct?</p> <p>17 A. Yes.</p> <p>18 Q. How long was it?</p> <p>19 A. At the very least a few dozen or</p> <p>20 several dozen clients.</p> <p>21 Q. You knew at that point that those</p> <p>22 clients had downloaded those images, correct?</p> <p>23 A. That's right.</p> <p>24 Q. Did you personally contact any of</p> <p>25 those clients at that time?</p>
Page 179	Page 181
<p>1 Katherine Calhoun</p> <p>2 and that we were going to have the sales</p> <p>3 teams, effectively, drop what they were doing</p> <p>4 to focus on this very soon.</p> <p>5 Q. You wrote the e-mail that appears</p> <p>6 at the top of Exhibit 4 to him; is that</p> <p>7 correct?</p> <p>8 A. That's right.</p> <p>9 Q. You write, quote, no --</p> <p>10 A. No, that's not good.</p> <p>11 Q. Right. So you didn't think it was</p> <p>12 good either?</p> <p>13 A. No.</p> <p>14 Q. Quote, I just sent a bit more</p> <p>15 details along with the list of clients that</p> <p>16 downloaded these images. It's a long list.</p> <p>17 Do you see that?</p> <p>18 A. I do.</p> <p>19 Q. What list were you talking about</p> <p>20 there?</p> <p>21 A. That would've been a download list</p> <p>22 for some of the images that impacted my</p> <p>23 clients.</p> <p>24 Q. When you say some of the images,</p> <p>25 what do you mean?</p>	<p>1 Katherine Calhoun</p> <p>2 A. Not at that time, no.</p> <p>3 Q. Did you direct anybody to contact</p> <p>4 them?</p> <p>5 A. Not at that time, no.</p> <p>6 Q. I would like you to look at what</p> <p>7 we've marked as Exhibit 5, which is Bates</p> <p>8 numbered G-001666 to 1667. Again, two-sided.</p> <p>9 Look at it. I'll have a few questions.</p> <p>10 A. Yeah.</p> <p>11 Q. Have you seen this before?</p> <p>12 A. In the original form probably, yes.</p> <p>13 Q. Okay. It's also redacted so I'm</p> <p>14 not sure what appears beneath your e-mail but</p> <p>15 if you look at page 1, there appears to be an</p> <p>16 e-mail from you to Mark Kushner on March 26,</p> <p>17 2010 at 5:55 p.m.</p> <p>18 Do you see that?</p> <p>19 A. I do.</p> <p>20 Q. Do you --</p> <p>21 A. Can I point out just one thing</p> <p>22 that's strange?</p> <p>23 Q. Oh, sure.</p> <p>24 A. So Mark sent me this e-mail,</p> <p>25 according to this, Friday March 26th --</p>

46 (Pages 178 to 181)

## CONFIDENTIAL

Page 186	Page 188
<p>1 Katherine Calhoun</p> <p>2 A. Not that I know of.</p> <p>3 Q. Okay. You stated on March 26th in</p> <p>4 your e-mail to Mr. Kushner, quote, Pancho and</p> <p>5 Adrien are both in the loop on this, as I</p> <p>6 understand it, AFP is taking responsibility</p> <p>7 and dealing with the lawyer.</p> <p>8 Do you see that language?</p> <p>9 A. I do.</p> <p>10 Q. Who is Adrien?</p> <p>11 A. Adrien Murel is the senior vice</p> <p>12 president for our editorial product, in</p> <p>13 effect, out of London and he's Pancho's</p> <p>14 manager.</p> <p>15 Q. You understood when you wrote this,</p> <p>16 or believed that Pancho Bernesconi was, in</p> <p>17 fact, in the loop on this?</p> <p>18 A. Yeah, and by that time I knew that</p> <p>19 Pancho was in the loop on it. I talked to</p> <p>20 him about it.</p> <p>21 Q. Okay. There's then an e-mail above</p> <p>22 that's from Mr. Kushner to you.</p> <p>23 Do you see it?</p> <p>24 A. Uh-huh.</p> <p>25 Q. On March 29th, three days later.</p>	<p>1 Katherine Calhoun</p> <p>2 accomplished.</p> <p>3 Q. When was that decision made that</p> <p>4 there would be a reach-out to clients, as far</p> <p>5 as you know?</p> <p>6 A. Last -- the last week in March at</p> <p>7 some point. I would think somewhere between</p> <p>8 March 20th and March 25th or so.</p> <p>9 Q. So far as you understand, there had</p> <p>10 been no such decision prior to that at Getty</p> <p>11 Images?</p> <p>12 A. As far as I know.</p> <p>13 Q. Again, you mention that, quote,</p> <p>14 Pancho is up to speed on it, too.</p> <p>15 Do you see that in your e-mail?</p> <p>16 A. Yes.</p> <p>17 Q. You believed that when you wrote</p> <p>18 it?</p> <p>19 A. Yeah.</p> <p>20 Q. Can you look at the next document</p> <p>21 which we've marked, which is Exhibit 6, a</p> <p>22 one-page document Bates Numbered G-000966.</p> <p>23 Exhibit 6.</p> <p>24 Have you ever seen this exhibit</p> <p>25 before?</p>
Page 187	Page 189
<p>1 Katherine Calhoun</p> <p>2 "Anything I need to do here while you are</p> <p>3 away"?</p> <p>4 A. Yes.</p> <p>5 Q. Do you see that?</p> <p>6 Did you receive that in the</p> <p>7 ordinary course of business?</p> <p>8 A. I did.</p> <p>9 Q. Above there's an e-mail from you to</p> <p>10 Mr. Kushner where you tell him, "no, thanks.</p> <p>11 Legal is tweaking the message. I didn't hear</p> <p>12 back from them today."</p> <p>13 What were you referring to?</p> <p>14 A. I was referring to our legal</p> <p>15 department was working hard on what was the</p> <p>16 exact message or the kind of message that we</p> <p>17 were going to send out to our clients on this</p> <p>18 topic.</p> <p>19 Q. So far as you know, had a decision</p> <p>20 been made as of March 29th that Getty Images</p> <p>21 was, in fact, going to contact its clients?</p> <p>22 A. Oh, yes. I think there was -- a</p> <p>23 decision had been made, absolutely. The</p> <p>24 question was what the message was and some</p> <p>25 mechanics on how it was going to be</p>	<p>1 Katherine Calhoun</p> <p>2 A. I have.</p> <p>3 Q. What is it?</p> <p>4 A. It is first an e-mail from Denise</p> <p>5 Banister on Friday, April 2nd alerting all</p> <p>6 the global sales leaders, which we referred</p> <p>7 to earlier today --</p> <p>8 Q. Yeah.</p> <p>9 A. -- that there is an issue -- of the</p> <p>10 issue and that they were going to, as we</p> <p>11 said, load all these activities into CRM the</p> <p>12 following Monday and that they needed to be</p> <p>13 responsible for their teams following up.</p> <p>14 Q. It says "The background to this</p> <p>15 request is attached in the e-mail from Ms.</p> <p>16 Banister."</p> <p>17 Do you know what that was?</p> <p>18 A. I don't.</p> <p>19 Q. There then is a chart with a number</p> <p>20 of -- with a list of numbers. What do those</p> <p>21 numbers represent?</p> <p>22 A. So that would've been the number of</p> <p>23 activities by territory.</p> <p>24 Q. By "activities," what do you mean?</p> <p>25 A. It would've been the number of</p>

48 (Pages 186 to 189)



## CONFIDENTIAL

Page 190	Page 192
<p>1 Katherine Calhoun</p> <p>2 calls that needed to be made to customers.</p> <p>3 Q. And did that list expand beyond 199</p> <p>4 following April 2, 2010?</p> <p>5 A. It did.</p> <p>6 Q. What was the final tally?</p> <p>7 A. The final tally -- I believe there</p> <p>8 were another 72 loaded in in June.</p> <p>9 Q. What happened in June to lead to</p> <p>10 the adding of 72?</p> <p>11 A. In the intervening time it was</p> <p>12 discovered that there were still a few more</p> <p>13 image numbers that had not been pulled in the</p> <p>14 original report.</p> <p>15 Q. And in April of 2010, what steps</p> <p>16 were taken by Getty Images to identify all of</p> <p>17 the image numbers?</p> <p>18 A. I don't know.</p> <p>19 Q. Did you do anything in that regard?</p> <p>20 A. Not to identify the image numbers,</p> <p>21 no.</p> <p>22 Q. Who did, if you know?</p> <p>23 A. Someone on the editorial content</p> <p>24 side.</p> <p>25 Q. Mr. Kushner then wrote an e-mail to</p>	<p>1 Katherine Calhoun</p> <p>2 making contact with every client to make sure</p> <p>3 that they understood the issue, asking them</p> <p>4 to remove the images if they were still up on</p> <p>5 websites or in electronic form and then</p> <p>6 closing out the activity.</p> <p>7 Q. Did you say to anybody in words or</p> <p>8 substance, if this is AFP's problem, why are</p> <p>9 we doing this?</p> <p>10 A. No.</p> <p>11 Q. Did you raise the issue with</p> <p>12 anybody?</p> <p>13 A. No.</p> <p>14 Q. Did anybody raise the issue with</p> <p>15 you, if this is AFP's problem, why are we</p> <p>16 doing this?</p> <p>17 A. No.</p> <p>18 Q. I'd ask you to look at the next</p> <p>19 exhibit, Exhibit 7. G-001634 to 636.</p> <p>20 A. Ah, interesting.</p> <p>21 Q. Have you seen any part of Exhibit 7</p> <p>22 before?</p> <p>23 A. Parts of it, yes.</p> <p>24 Q. The parts that you haven't seen,</p> <p>25 the top two e-mails more recent in chronology</p>
Page 191	Page 193
<p>1 Katherine Calhoun</p> <p>2 you and others. Do you see that at the top</p> <p>3 of Exhibit 6?</p> <p>4 A. Yes.</p> <p>5 Q. Did you receive that?</p> <p>6 A. Yes.</p> <p>7 Q. He says, "Guys, just a heads up,</p> <p>8 this is an important drill we will need to do</p> <p>9 before the end of next week. Katie has the</p> <p>10 info on this but basically there were photos</p> <p>11 given to us by AFP that they did not have</p> <p>12 rights to from Haiti."</p> <p>13 Do you see that?</p> <p>14 A. I do.</p> <p>15 Q. Did you think it was an important</p> <p>16 drill?</p> <p>17 A. Yes.</p> <p>18 Q. And did you think it needed to be</p> <p>19 done before the end of the next week?</p> <p>20 A. Yes.</p> <p>21 Q. And what did you understand Mr.</p> <p>22 Kushner was saying about what had to be</p> <p>23 completed before the end of the next week?</p> <p>24 A. Opening up all the CRM</p> <p>25 opportunities, contacting every client,</p>	<p>1 Katherine Calhoun</p> <p>2 from Mr. Legon to Mr. Lip Gifford and vice</p> <p>3 versa?</p> <p>4 A. That's right, yeah.</p> <p>5 Q. You had not seen them?</p> <p>6 A. I had not seen them.</p> <p>7 Q. Is that what you thought was</p> <p>8 interesting?</p> <p>9 A. Yes.</p> <p>10 Q. What made you think it was</p> <p>11 interesting?</p> <p>12 A. Just that the exchange had</p> <p>13 happened.</p> <p>14 Q. Okay. There's text below those two</p> <p>15 e-mail exchanges from you to New York sales</p> <p>16 media and Brian Novie (phonetic).</p> <p>17 Do you see that?</p> <p>18 A. I do.</p> <p>19 Q. Did you write those words?</p> <p>20 A. I did.</p> <p>21 Q. Did you send this e-mail?</p> <p>22 A. I did.</p> <p>23 Q. I have some questions about your</p> <p>24 e-mail.</p> <p>25 A. Okay.</p>

49 (Pages 190 to 193)

## CONFIDENTIAL

Page 194	Page 196
<p>1 Katherine Calhoun</p> <p>2 Q. Were you accurately trying to</p> <p>3 convey what you understood about the</p> <p>4 situation, at the time?</p> <p>5 A. I believe I was trying to, yes.</p> <p>6 Q. Okay. You say "AFP is working</p> <p>7 through this legally on our behalf."</p> <p>8 What were you conveying with that</p> <p>9 sentence?</p> <p>10 A. I'm sorry, where is that sentence?</p> <p>11 Q. After the first paragraph --</p> <p>12 A. Oh, yes. Sorry, yeah. Simply</p> <p>13 that, that AFP's legal team was working on</p> <p>14 sorting out the issues, the implications.</p> <p>15 Q. You then go on to state a couple of</p> <p>16 things.</p> <p>17 Do you see that language?</p> <p>18 A. Yes.</p> <p>19 Q. You state "We have indemnified our</p> <p>20 clients through our standard T and Cs."</p> <p>21 What did you mean by that?</p> <p>22 A. Terms and conditions.</p> <p>23 Q. You then state, "That said, to</p> <p>24 further protect them," all caps, "we need</p> <p>25 them to remove the images off their website's</p>	<p>1 Katherine Calhoun</p> <p>2 free of charge as replacements."</p> <p>3 Do you see that?</p> <p>4 A. I do.</p> <p>5 Q. Who told you to put that in this</p> <p>6 missive?</p> <p>7 A. Who told me to put that in this</p> <p>8 missive?</p> <p>9 Q. If anybody?</p> <p>10 A. I think it was -- again, as we</p> <p>11 discussed this morning, this was a</p> <p>12 conversation where we had been talking with</p> <p>13 our lawyers about what would be a fair way to</p> <p>14 make our clients whole.</p> <p>15 Q. Was it your position at the time</p> <p>16 when this was being communicated, that Getty</p> <p>17 Images was not going to give people their</p> <p>18 money back?</p> <p>19 A. No, not necessarily. No, not</p> <p>20 necessarily. Again, using National</p> <p>21 Geographic as the example, if their feeling</p> <p>22 was that they were going to go ahead with</p> <p>23 their project, whatever it was, and not use</p> <p>24 anything that came from Getty in any way, we</p> <p>25 would give them their money back.</p>
Page 195	Page 197
<p>1 Katherine Calhoun</p> <p>2 or any internal media grids or content</p> <p>3 management systems, so that no further uses</p> <p>4 occur."</p> <p>5 Do you see that?</p> <p>6 A. I do.</p> <p>7 Q. Did you believe that at the time?</p> <p>8 A. Yes.</p> <p>9 Q. And were you communicating that to</p> <p>10 the sales team, so that they would understand</p> <p>11 that was the goal?</p> <p>12 A. Yes.</p> <p>13 Q. And when you referred to their</p> <p>14 content managing systems, what were you</p> <p>15 referring to?</p> <p>16 A. Some clients have internal</p> <p>17 databases where they store content that</p> <p>18 they've already used, not many, but to the</p> <p>19 extent that they have them and had these</p> <p>20 images in them, it needed to be removed.</p> <p>21 Q. If you look at the last bullet on</p> <p>22 that page, it's the third dash, quote, for</p> <p>23 anyone who's downloaded them and had planned</p> <p>24 to use the images in the future, we can offer</p> <p>25 some of our incredible wholly owned images</p>	<p>1 Katherine Calhoun</p> <p>2 Q. Was that communicated to the sales</p> <p>3 staff to communicate that to customers?</p> <p>4 A. Verbally. Probably verbally</p> <p>5 because I know in particular -- I remember in</p> <p>6 particular having a conversation with Kevin.</p> <p>7 Q. Did you think there should be a</p> <p>8 written statement to that effect to the sales</p> <p>9 floor so that they would know what they</p> <p>10 should say to their clients?</p> <p>11 A. I don't think I -- I didn't put it</p> <p>12 in here. I don't think -- I don't think I</p> <p>13 thought it was necessary.</p> <p>14 Q. If you look at the paragraph on the</p> <p>15 second page that starts, quote, you recently</p> <p>16 purchased, do you see that?</p> <p>17 A. Yes.</p> <p>18 Q. Who drafted that language?</p> <p>19 A. Our lawyers in Seattle.</p> <p>20 Q. I would ask you to look at the next</p> <p>21 exhibit, Exhibit 8, a multiple page document.</p> <p>22 G002395 to 398 with very little language and</p> <p>23 much redaction.</p> <p>24 Have you ever seen some version of</p> <p>25 this document before?</p>

50 (Pages 194 to 197)

## CONFIDENTIAL

Page 198	Page 200
<p>1 Katherine Calhoun</p> <p>2 A. Yes.</p> <p>3 Q. Do you recall receiving this, at</p> <p>4 least the top e-mail, from Mr. Kushner on or</p> <p>5 around the date it bears April 7, 2010?</p> <p>6 A. Yeah, yes.</p> <p>7 Q. And he's asking you, "any issue</p> <p>8 that we will not get this done by Friday"?</p> <p>9 Do you remember that discussion</p> <p>10 coming up?</p> <p>11 A. I do.</p> <p>12 Q. What was the "this"?</p> <p>13 A. This I'm sure what it was is it was</p> <p>14 records of our CRM reports that were showing</p> <p>15 people who had not been -- or any open items,</p> <p>16 and he would forward that to me and say, any</p> <p>17 issue that we will not get this done by</p> <p>18 Friday?</p> <p>19 Q. And what was your response?</p> <p>20 A. No issues.</p> <p>21 Q. You were going to get it done by</p> <p>22 Friday?</p> <p>23 A. That was certainly our intention.</p> <p>24 Q. This is Wednesday?</p> <p>25 A. That's right.</p>	<p>1 Katherine Calhoun</p> <p>2 A. Which other tasks?</p> <p>3 Q. United Arab Emirates, Portuguese,</p> <p>4 Switzerland, adding up to 196 in total.</p> <p>5 A. I don't know for sure, but I -- I</p> <p>6 -- it was around the same time period.</p> <p>7 Q. And you believe that the 87 items</p> <p>8 that were outstanding, with perhaps some</p> <p>9 small exceptions, got accomplished by the</p> <p>10 next day?</p> <p>11 A. I believe they did. If I also</p> <p>12 recall one of the issues is that the</p> <p>13 salespeople had contacted them but they</p> <p>14 hadn't closed it in CRM.</p> <p>15 Q. Okay. But you believe the contacts</p> <p>16 were made?</p> <p>17 A. I believe so, yeah.</p> <p>18 Q. Can you look at the next exhibit,</p> <p>19 Exhibit 10, multipage document with the Bates</p> <p>20 numbers G003789 through 91.</p> <p>21 Have you seen this exhibit before?</p> <p>22 A. Yes.</p> <p>23 Q. What is it?</p> <p>24 A. This is an e-mail from Stewart</p> <p>25 Brown, who is one of the managers on my team,</p>
Page 199	Page 201
<p>1 Katherine Calhoun</p> <p>2 Q. And did you, in fact, get the tasks</p> <p>3 done by Friday?</p> <p>4 A. As I recall, we did. There may</p> <p>5 have been a couple -- for the most part, we</p> <p>6 did. There may have been one or two hanging</p> <p>7 out there, but for the most part, we did.</p> <p>8 Q. Okay. Let me ask you to look at</p> <p>9 Exhibit 9, G-000020.</p> <p>10 Have you seen Exhibit 9 before?</p> <p>11 A. I have.</p> <p>12 Q. What is it?</p> <p>13 A. Again, this is a status from sales</p> <p>14 operations that was monitoring the CRM</p> <p>15 reports and giving us an update on what was</p> <p>16 still reading as open in the system.</p> <p>17 Q. This document says that at least in</p> <p>18 the United States there were 87 open</p> <p>19 activities that had to be done by the close</p> <p>20 of the following day's business?</p> <p>21 A. That's right.</p> <p>22 Q. What about all the other tasks that</p> <p>23 were identified, did they also have to be</p> <p>24 done by the close of business on Friday, if</p> <p>25 you know?</p>	<p>1 Katherine Calhoun</p> <p>2 asking about whether we can get thumbnail</p> <p>3 versions of the images for reference for the</p> <p>4 clients who we had been contacting.</p> <p>5 Q. Okay. If you look at the document</p> <p>6 from the back, there appears to be an e-mail</p> <p>7 from Cynthia Edore to a Gabrielle.</p> <p>8 Do you see that?</p> <p>9 A. Uh-huh. I do, yes.</p> <p>10 Q. April 8th at 11:25 a.m.</p> <p>11 A. Yes.</p> <p>12 Q. And it informs Gabrielle that he or</p> <p>13 his company had recently downloaded three</p> <p>14 images of the Haitian earthquake with</p> <p>15 numbers.</p> <p>16 The e-mail then notes, "As you</p> <p>17 know, Getty Images indemnifies you against</p> <p>18 any copyright claims that emerge as the</p> <p>19 result of an image you have obtained and</p> <p>20 licensed from us."</p> <p>21 Do you see that?</p> <p>22 A. Yes.</p> <p>23 Q. Was it your understanding that, in</p> <p>24 fact, the entity for whom Mr. Gabrielle works</p> <p>25 or Gabrielle works -- do you know who he is,</p>

51 (Pages 198 to 201)

## CONFIDENTIAL

Page 202	Page 204
<p>1 Katherine Calhoun</p> <p>2 number 1?</p> <p>3 A. I don't.</p> <p>4 Q. Okay. Were there other customers</p> <p>5 or clients or licensees of Getty Images that</p> <p>6 had trouble with having a number that doesn't</p> <p>7 mean anything to them?</p> <p>8 A. There were a number, yes. There</p> <p>9 were a number of clients, yes.</p> <p>10 Q. What did Getty Images do to address</p> <p>11 those inquiries in April of 2010?</p> <p>12 A. Well, I -- it had filtered up to me</p> <p>13 through a few different sales reps, who had</p> <p>14 heard this from their clients saying, if you</p> <p>15 need, I can pull it down right away, but I</p> <p>16 need to know what image it is, and I can't --</p> <p>17 either I can't find it quickly. Usually it</p> <p>18 was -- they're all very visual people, they</p> <p>19 couldn't find it quickly from the image</p> <p>20 number so they asked to be sent a thumbnail</p> <p>21 as reference because the images were no</p> <p>22 longer available on our site to be a</p> <p>23 reference.</p> <p>24 Q. What did you do?</p> <p>25 What did Getty Images do?</p>	<p>1 Katherine Calhoun</p> <p>2 Q. Now, on Getty's website there is</p> <p>3 the ability to search by date and to search</p> <p>4 by subject matter; is that correct?</p> <p>5 A. That's correct.</p> <p>6 Q. So that if anyone either at Getty</p> <p>7 or elsewhere wanted to they could've searched</p> <p>8 any time after April 12, 2010 for all images</p> <p>9 of Haiti?</p> <p>10 A. No, they -- yes, they could've done</p> <p>11 such a search but it wouldn't have included</p> <p>12 Mr. Morel's images because they'd been</p> <p>13 removed from the site.</p> <p>14 Q. No, I'm talking about at the time,</p> <p>15 that is on --</p> <p>16 A. In January.</p> <p>17 Q. I'm sorry, in January, yes.</p> <p>18 In January, if --</p> <p>19 A. Yes, they could have, yes. That's</p> <p>20 right.</p> <p>21 Q. -- they wanted to know, they</p> <p>22 could've just looked at the images from</p> <p>23 January 12, 2010 and seen all the images</p> <p>24 relating to Haiti dated that day?</p> <p>25 A. In January, yes, that's correct.</p>
Page 203	Page 205
<p>1 Katherine Calhoun</p> <p>2 A. I had communicated internally that</p> <p>3 we needed these, and there was some</p> <p>4 hesitation on the part of Getty's legal team</p> <p>5 because they were concerned this could be</p> <p>6 construed as a redistribution of the images.</p> <p>7 Q. How was it resolved, independent</p> <p>8 from the debate?</p> <p>9 A. I believe it was resolved that --</p> <p>10 well, they did provide the thumbnails in a</p> <p>11 grid form so it could be worked -- so it</p> <p>12 could be used as a reference only to send to</p> <p>13 the clients so they can identify it very</p> <p>14 quickly which images they were.</p> <p>15 Q. How could they identify it very</p> <p>16 quickly?</p> <p>17 A. Because they could look at it and</p> <p>18 see.</p> <p>19 Q. How would they then go through</p> <p>20 their own database to find it?</p> <p>21 A. They -- the users who made the</p> <p>22 choice when you get to the individual photo</p> <p>23 -- when you start the individual photo editor</p> <p>24 level, they would recognize whether they've</p> <p>25 used the images or not.</p>	<p>1 Katherine Calhoun</p> <p>2 Q. Yes. And do you know if anybody</p> <p>3 did that?</p> <p>4 A. In January?</p> <p>5 Q. Yeah.</p> <p>6 A. I don't know.</p> <p>7 Q. Do you know -- well, do you know</p> <p>8 today if you put in January 12, 2010 how many</p> <p>9 images you will hit if you use the word</p> <p>10 Haiti, and just limit it to that day?</p> <p>11 A. I don't know.</p> <p>12 Q. Or Haiti earthquake?</p> <p>13 A. I don't know.</p> <p>14 Q. Do you think it could be thousands?</p> <p>15 A. No.</p> <p>16 Q. Hundreds?</p> <p>17 A. No, not on the 12th, no. On the</p> <p>18 13th, yes.</p> <p>19 Q. I'm asking about the 12th.</p> <p>20 A. Depending on how quickly imagery</p> <p>21 started moving, not tons.</p> <p>22 Q. Getty didn't have anybody on the</p> <p>23 ground on the 12th, correct?</p> <p>24 A. That's my understanding.</p> <p>25 Q. Which exhibit do you have in front</p>

52 (Pages 202 to 205)

## CONFIDENTIAL

Page 206	Page 208
<p>1 Katherine Calhoun</p> <p>2 of you?</p> <p>3 A. G-003789. Oh, sorry. Exhibit 10.</p> <p>4 Q. Exhibit 10. Done with that.</p> <p>5 Can you look at Exhibit 11, which</p> <p>6 the reporter will hand you. G-009047 to 49.</p> <p>7 A. Yes.</p> <p>8 Q. What is this?</p> <p>9 A. This is a communication between me</p> <p>10 and my counterpart in the Los Angeles office</p> <p>11 named Brian Novie (phonetic).</p> <p>12 Q. Why were you having this exchange</p> <p>13 with him?</p> <p>14 A. Because Brian had not been involved</p> <p>15 in all the earlier conversations. He had</p> <p>16 just started taking over media clients and he</p> <p>17 was trying to get some clarification on what</p> <p>18 we do in the case where a client has already</p> <p>19 used in effect -- and in effect distributed</p> <p>20 the product. In this case, a broadcast</p> <p>21 through a show.</p> <p>22 Q. A broadcast meaning --</p> <p>23 A. Television broadcast.</p> <p>24 Q. Television show?</p> <p>25 A. Yeah.</p>	<p>1 Katherine Calhoun</p> <p>2 Q. Mr. Novie refers, on the first page</p> <p>3 -- sorry, that's not -- is that from you --</p> <p>4 the -- it's going out automatically from</p> <p>5 legal sales?</p> <p>6 A. That's from me to Brian, yes.</p> <p>7 Q. Okay. What was going out</p> <p>8 automatically?</p> <p>9 A. It was my understanding then that</p> <p>10 legal, slash, sales ops was going to send out</p> <p>11 a follow-up e-mail to every customer</p> <p>12 automatically following up on our contact.</p> <p>13 MR. BAIO: I'm going to ask</p> <p>14 the reporter to mark as the next</p> <p>15 exhibit, Exhibit 12, which is a</p> <p>16 two-page document, G-001848 to 849.</p> <p>17 (Calhoun Exhibit 12,</p> <p>18 document, marked for</p> <p>19 identification, as of this</p> <p>20 date.)</p> <p>21 Q. Have you seen Exhibit 12 before?</p> <p>22 A. Yes.</p> <p>23 Q. What is it?</p> <p>24 A. It is, again, another status report</p> <p>25 originated by field operations on how things</p>
Page 207	Page 209
<p>1 Katherine Calhoun</p> <p>2 Q. Okay. You sent the words that are</p> <p>3 attributable to you and you received what he</p> <p>4 sent to you, correct?</p> <p>5 A. I believe so, yes.</p> <p>6 Q. And he in his first e-mail to you,</p> <p>7 which appears on 9048, says "what do we do if</p> <p>8 the images were already used in a show"?</p> <p>9 Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. And you responded "We need to</p> <p>12 capture that not expecting them to take the</p> <p>13 imagery out of produced shows, but if it's</p> <p>14 being used standalone on a website it should</p> <p>15 come down and we can replace it."</p> <p>16 Do you see that?</p> <p>17 A. I do.</p> <p>18 Q. Who decided that that would be the</p> <p>19 directive?</p> <p>20 A. Legal.</p> <p>21 Q. Did you ever tell anyone that they</p> <p>22 should do more, that is the imagery should</p> <p>23 actually be taken out of produced shows,</p> <p>24 ever, I mean after this?</p> <p>25 A. Not that I know of.</p>	<p>1 Katherine Calhoun</p> <p>2 were going.</p> <p>3 Q. How were things going as of 4:03 on</p> <p>4 Friday April 9th?</p> <p>5 A. They were moving along. Again, as</p> <p>6 I said, there were some stragglers.</p> <p>7 Q. I think the e-mail below yours --</p> <p>8 and by the way, did you send this e-mail --</p> <p>9 A. Yes.</p> <p>10 Q. -- that is the top e-mail, did you</p> <p>11 receive the information below?</p> <p>12 A. I did.</p> <p>13 Q. There's a reference to 17 of 49</p> <p>14 hasn't been touched. That's in Susan</p> <p>15 Nomecos' e-mail.</p> <p>16 Do you see that?</p> <p>17 A. That's right.</p> <p>18 Q. What was your understanding of what</p> <p>19 she was saying?</p> <p>20 A. That they hadn't been touched in</p> <p>21 CRM.</p> <p>22 Q. What does that mean?</p> <p>23 A. This means -- there were two --</p> <p>24 there were two sort of streams of tasks that</p> <p>25 were going on. We had sent the salespeople</p>

53 (Pages 206 to 209)



## CONFIDENTIAL

Page 214	Page 216
<p>1 Katherine Calhoun</p> <p>2 Q. Have you seen this exhibit in its</p> <p>3 unredacted form in the past?</p> <p>4 A. Yes.</p> <p>5 Q. Did you write the e-mail that</p> <p>6 appears on the first page?</p> <p>7 A. Yes.</p> <p>8 Q. Why were you asking the -- why were</p> <p>9 you inquiring about the Haiti images and</p> <p>10 whether CNN had additional images and your</p> <p>11 question, quote, are they sure they got them</p> <p>12 from us?</p> <p>13 A. Yeah, my memory is that Gazena</p> <p>14 Straus (phonetic), who's their account</p> <p>15 executive, had sent them the e-mail with all</p> <p>16 the image numbers, and...by the additional</p> <p>17 images, I think there may have been a</p> <p>18 reference to additional images. Well,</p> <p>19 obviously there clearly was, and we weren't</p> <p>20 sure -- we weren't completely clear on what</p> <p>21 they were talking about, so Gazena had come</p> <p>22 to me asking me the question and I said, you</p> <p>23 know, we need some clarification, and if</p> <p>24 they're -- are we sure they're talking about</p> <p>25 content they had acquired from us.</p>	<p>1 Katherine Calhoun</p> <p>2 A. -- asking if there's an open item,</p> <p>3 what's going on.</p> <p>4 Q. A response from Dave Kelly appears</p> <p>5 at the top of this exhibit?</p> <p>6 A. That's right.</p> <p>7 Q. Who is he?</p> <p>8 A. He is a salesperson on our team.</p> <p>9 Q. Was he on the Huffington Post and</p> <p>10 Gawker accounts?</p> <p>11 A. That's right.</p> <p>12 Q. And do you know what the resolution</p> <p>13 was with the Huffington Post and Gawker?</p> <p>14 A. In terms of did they pull them off</p> <p>15 the sites and so forth?</p> <p>16 Q. Yes.</p> <p>17 A. Specifically, I don't remember.</p> <p>18 Q. Do you know whether Huffington Post</p> <p>19 and Gawker were subscribers?</p> <p>20 A. Huffington Post was, yes. I</p> <p>21 believe Huffington Post was.</p> <p>22 Q. And Gawker?</p> <p>23 A. I can't remember.</p> <p>24 Q. So if Huffington Post was a</p> <p>25 subscriber, they should appear on Exhibit 2?</p>
Page 215	Page 217
<p>1 Katherine Calhoun</p> <p>2 Q. Did you ever get an answer to that</p> <p>3 question, particularly, did they get content</p> <p>4 from someone other than from us?</p> <p>5 A. I don't remember.</p> <p>6 MR. BAIO: I will ask the</p> <p>7 reporter to mark as Exhibit 16, a</p> <p>8 two-page document with Bates</p> <p>9 numbers G-009031 to 32.</p> <p>10 (Calhoun Exhibit 16,</p> <p>11 document, marked for</p> <p>12 identification, as of this</p> <p>13 date.)</p> <p>14 Q. Have you seen this document before?</p> <p>15 A. Uh-huh. Yes.</p> <p>16 Q. And what is it?</p> <p>17 A. Again, this is -- was a status</p> <p>18 report from -- originating, again, with</p> <p>19 sales, sales operations at Mark Kushner's</p> <p>20 request. Did we get them all done and where</p> <p>21 are we, so Susan Nomecos in sales operations</p> <p>22 sent this update, Mark sent it onto us, and</p> <p>23 then I sent out -- reported to the individual</p> <p>24 salespeople --</p> <p>25 Q. Yes.</p>	<p>1 Katherine Calhoun</p> <p>2 A. That's right.</p> <p>3 Q. The list of downloads?</p> <p>4 A. That's right.</p> <p>5 Q. And Gawker, if it's an ad hoc or</p> <p>6 what was the phrase again?</p> <p>7 A. Ala cart.</p> <p>8 Q. A la cart. They should be on</p> <p>9 Exhibit 1?</p> <p>10 A. It should be. They should be on</p> <p>11 one of the two, yes. Gawker may have had a</p> <p>12 subscription. I can't remember.</p> <p>13 Q. Okay.</p> <p>14 MR. BAIO: I'm going to ask</p> <p>15 the reporter to mark as Exhibit 17</p> <p>16 a multipage document with the Bates</p> <p>17 numbers G-008308 to 8312.</p> <p>18 (Calhoun Exhibit 17,</p> <p>19 document, marked for</p> <p>20 identification, as of this</p> <p>21 date.)</p> <p>22 Q. Have you seen this exhibit before,</p> <p>23 and if so, can you tell me what it is?</p> <p>24 A. Just a minute.</p> <p>25 Q. Sure.</p>

55 (Pages 214 to 217)

## CONFIDENTIAL

Page 218	Page 220
<p>1 Katherine Calhoun</p> <p>2 A. Oh, right, this explains that.</p> <p>3 Okay. Yes.</p> <p>4 Q. What is it?</p> <p>5 A. Okay, so this refers now back to</p> <p>6 what the issue was, apparently, with CNN, so</p> <p>7 this was one of the clients that needed</p> <p>8 thumbnails for a reference, and by the</p> <p>9 additional images, there were image numbers</p> <p>10 that didn't have thumbnails attached to them.</p> <p>11 Q. What did that mean to you?</p> <p>12 A. Just that they got missed when</p> <p>13 whoever put together this grid put it</p> <p>14 together.</p> <p>15 Q. Do you know from looking at this</p> <p>16 e-mail who put together the grid?</p> <p>17 A. Either from the e-mail or not, I</p> <p>18 don't know who actually put together the</p> <p>19 grid. It was sent to us after legal okayed</p> <p>20 it, after the issues that we'd already</p> <p>21 pointed out, and, again, there are quite a</p> <p>22 few duplicates here.</p> <p>23 Q. And did the fact that there were</p> <p>24 quite a few duplicates cause you any concern?</p> <p>25 A. No, the only reason I point out</p>	<p>1 Katherine Calhoun</p> <p>2 but that we did not have thumbnails -- when</p> <p>3 we sent out this grid of thumbnails, we</p> <p>4 didn't have a visual reference for them.</p> <p>5 Q. What does that mean, a "visual</p> <p>6 reference"?</p> <p>7 A. So the thumbnail is a visual</p> <p>8 reference, so that clients can say, look, I</p> <p>9 see this image number, show me what it looks</p> <p>10 like.</p> <p>11 Q. Right.</p> <p>12 A. They were looking for it, and they</p> <p>13 didn't find that image number.</p> <p>14 Q. They were looking for the image</p> <p>15 number or the image?</p> <p>16 A. They were looking for the visual</p> <p>17 reference to go with that image number.</p> <p>18 Q. The visual reference being a</p> <p>19 thumbnail?</p> <p>20 A. That's right.</p> <p>21 Q. Okay.</p> <p>22 MR. BAIO: I'll ask the</p> <p>23 reporter to mark the next Exhibit</p> <p>24 18, a one-page document, G-008983.</p> <p>25 (Calhoun Exhibit 18,</p>
Page 219	Page 221
<p>1 Katherine Calhoun</p> <p>2 that there were quite a few duplicates is it</p> <p>3 goes back to our earlier conversation where I</p> <p>4 had assumed it was 12 to 18 images but it was</p> <p>5 based on looking at the grid without</p> <p>6 realizing that there were duplicates.</p> <p>7 Q. If you look at page 8309, it talks</p> <p>8 about 28 thumbnails.</p> <p>9 Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. So there were many more than 18</p> <p>12 thumbnails, right?</p> <p>13 A. I guess, yes.</p> <p>14 Q. And you write to Nancy Monsen</p> <p>15 (phonetic), and who is Nancy Monsen?</p> <p>16 A. She was in our legal team.</p> <p>17 Q. Okay. You say, "So sorry it's</p> <p>18 taken me so long to get back to you," and</p> <p>19 then you identify the issue, in our</p> <p>20 overarching report.</p> <p>21 What are you referring to?</p> <p>22 A. The report that we had been using</p> <p>23 to communicate out to clients. There were</p> <p>24 image numbers that were included in that</p> <p>25 report that showed the downloads and so forth</p>	<p>1 Katherine Calhoun</p> <p>2 document, marked for</p> <p>3 identification, as of this</p> <p>4 date.)</p> <p>5 Q. Have you seen this exhibit before?</p> <p>6 A. Yes.</p> <p>7 Q. Is the bottom of it an e-mail that</p> <p>8 you sent to the New York sales team on April</p> <p>9 30, 2010?</p> <p>10 A. April 13th.</p> <p>11 Q. I'm sorry, April 13th, yes.</p> <p>12 Is it?</p> <p>13 A. It is.</p> <p>14 Q. Is this sort of a great-job-guys</p> <p>15 kind of e-mail?</p> <p>16 A. It is.</p> <p>17 Q. And you identify at the end of your</p> <p>18 e-mail, "Let us know if any further questions</p> <p>19 come up but the issue should be behind us</p> <p>20 now."</p> <p>21 Do you see that?</p> <p>22 A. I do.</p> <p>23 Q. Was the issue behind you?</p> <p>24 A. It was not.</p> <p>25 Q. What other issues came up after the</p>

56 (Pages 218 to 221)



## CONFIDENTIAL

Page 222	Page 224
<p>1 Katherine Calhoun</p> <p>2 date of this e-mail?</p> <p>3 A. Well, one thing that I've already</p> <p>4 referenced to you is that there were some</p> <p>5 additional image numbers that were found in</p> <p>6 June. That was the biggest issue.</p> <p>7 Q. Any other issues that you can think</p> <p>8 of that arose -- I mean, there's the New York</p> <p>9 Times that you testified to.</p> <p>10 A. The New York Times issue where they</p> <p>11 wouldn't take it down. There were a couple</p> <p>12 of other issues. I believe there was a</p> <p>13 handful of websites, say six or seven, where</p> <p>14 the images appeared that hadn't -- that</p> <p>15 hadn't shown up on our original download</p> <p>16 list.</p> <p>17 Q. When did that reveal itself?</p> <p>18 A. May. Maybe May.</p> <p>19 Q. If you look at the top e-mail from</p> <p>20 Purdy (phonetic) --</p> <p>21 A. Yes.</p> <p>22 Q. Ms. Purdy?</p> <p>23 A. That's right.</p> <p>24 Q. To you on April 13th, she asks, "Do</p> <p>25 we need to do anything with those clients</p>	<p>1 Katherine Calhoun</p> <p>2 A. Yes. In the original form, yes.</p> <p>3 Q. And the -- who is Mr. Hamlin</p> <p>4 (phonetic)?</p> <p>5 A. Steven Hamlin is a salesperson on</p> <p>6 our team.</p> <p>7 Q. Do you remember receiving from him</p> <p>8 this e-mail that's at the bottom of the first</p> <p>9 page?</p> <p>10 A. I do.</p> <p>11 Q. He was attaching a link from PDN</p> <p>12 Pulse.</p> <p>13 Do you know what PDN Pulse is?</p> <p>14 A. I do.</p> <p>15 Q. Photo District News?</p> <p>16 A. That's right.</p> <p>17 Q. The article was "Insult to injury,</p> <p>18 AFP suing photographer it stole photos from."</p> <p>19 Do you see that?</p> <p>20 A. I do.</p> <p>21 Q. Do you remember clicking on that?</p> <p>22 A. I do.</p> <p>23 Q. Was this the first that you learned</p> <p>24 that Mr. Morel was being sued?</p> <p>25 A. I believe it was, yes.</p>
Page 223	Page 225
<p>1 Katherine Calhoun</p> <p>2 that received the images via the AFP feed?"</p> <p>3 Do you see that?</p> <p>4 A. I do.</p> <p>5 Q. Did you respond to that?</p> <p>6 A. I'm sure I did. I can't -- and I</p> <p>7 don't imagine I would've responded to it</p> <p>8 without consulting with someone internally</p> <p>9 about this because it's a valid point. I</p> <p>10 don't remember how I responded.</p> <p>11 Q. Do you know how it was developed</p> <p>12 irrespective -- that is did Getty Images</p> <p>13 contact or do anything with clients that</p> <p>14 received the images via the AFP feed?</p> <p>15 A. I don't believe we did a separate</p> <p>16 communication specifically to feed clients.</p> <p>17 MR. BAIO: I'm going to ask</p> <p>18 the reporter to mark the next</p> <p>19 Exhibit as 19, a one-page redacted</p> <p>20 e-mail, G-009002.</p> <p>21 (Calhoun Exhibit 19,</p> <p>22 document, marked for</p> <p>23 identification, as of this</p> <p>24 date.)</p> <p>25 Q. Did you see Exhibit 19 before?</p>	<p>1 Katherine Calhoun</p> <p>2 Q. And independent from any</p> <p>3 conversations you had with lawyers, did you</p> <p>4 discuss that fact with anyone?</p> <p>5 A. Possibly.</p> <p>6 Q. Do you remember what you said in</p> <p>7 that regard?</p> <p>8 A. I was surprised.</p> <p>9 Q. You were surprised that Mr. Morel</p> <p>10 would be sued?</p> <p>11 A. Yes.</p> <p>12 Q. Why is that?</p> <p>13 A. It was certainly the first instance</p> <p>14 I had heard of an agency -- this type of a</p> <p>15 lawsuit that I was aware of.</p> <p>16 Q. Where the agency sued the</p> <p>17 photographer who said that it was his work</p> <p>18 and it was his work?</p> <p>19 A. I didn't say it that way. I just</p> <p>20 simply -- where an agency was suing a</p> <p>21 photographer.</p> <p>22 Q. Did anybody tell you, in words or</p> <p>23 substance, what the hell were they thinking?</p> <p>24 A. Not in words, but I think we were</p> <p>25 surprised.</p>

57 (Pages 222 to 225)

## CONFIDENTIAL

Page 226	Page 228
<p>1 Katherine Calhoun</p> <p>2 Q. And independent from any</p> <p>3 conversation you had with lawyers, did you</p> <p>4 ask what Getty's role was in any of that?</p> <p>5 A. I believe I did, and in this</p> <p>6 specific dynamic, my understanding is that</p> <p>7 Getty was not playing a role in that.</p> <p>8 Q. You determined to pass this on to</p> <p>9 the people you sent the information to?</p> <p>10 A. I did.</p> <p>11 Q. Did you have any conversations with</p> <p>12 Mr. Bernesconi about it?</p> <p>13 A. I think I had a conversation with</p> <p>14 Pancho along the lines I just described to</p> <p>15 you.</p> <p>16 Q. Did he seem to have the same view?</p> <p>17 A. I believe so.</p> <p>18 MR. BAIO: I'm going to ask</p> <p>19 the reporter to mark as the next</p> <p>20 Exhibit 20, a one-pager, G-008980.</p> <p>21 (Calhoun Exhibit 20,</p> <p>22 document, marked for</p> <p>23 identification, as of this</p> <p>24 date.)</p> <p>25 Q. Have you ever seen Exhibit 20</p>	<p>1 Katherine Calhoun</p> <p>2 A. Not, not to my memory.</p> <p>3 Q. Did any of this -- did this e-mail,</p> <p>4 in particular, lead to discussions on whether</p> <p>5 anything needed to be done about people who</p> <p>6 acquired the images through a feed?</p> <p>7 A. Discussions, not that I recall. I</p> <p>8 don't recall in depth discussions after this</p> <p>9 e-mail.</p> <p>10 Q. In light of your role so far in</p> <p>11 this endeavor, did you think, we better do</p> <p>12 something about the feeds?</p> <p>13 A. I don't remember what I thought.</p> <p>14 Q. Do you remember ever thinking, we</p> <p>15 have to do something about the feeds?</p> <p>16 A. Thinking -- I don't recall</p> <p>17 thinking, we have to do something about the</p> <p>18 feeds. I remember thinking, how does this</p> <p>19 impact feed clients and is it something -- is</p> <p>20 it something that we need to follow up on.</p> <p>21 Q. Okay.</p> <p>22 MR. BAIO: I'll ask the</p> <p>23 reporter to mark as Exhibit 21, a</p> <p>24 one-pager, G-008984.</p> <p>25 (Calhoun Exhibit 21,</p>
Page 227	Page 229
<p>1 Katherine Calhoun</p> <p>2 before?</p> <p>3 A. Yes.</p> <p>4 Q. Did you receive it at or about the</p> <p>5 date it bears in May 17th?</p> <p>6 A. Yes.</p> <p>7 Q. And what did you take away from</p> <p>8 this when you received this?</p> <p>9 A. What did I take away from it?</p> <p>10 Q. Yeah.</p> <p>11 A. I'm not sure I know what you mean.</p> <p>12 Q. Okay. It says, "I don't believe we</p> <p>13 were instructed to do anything with the</p> <p>14 images that were acquired via feed delivery."</p> <p>15 Is it your understanding that Time</p> <p>16 Link had acquired it through a feed?</p> <p>17 A. Through the feed, right, and as</p> <p>18 Tori indicated, she had looped in Heather</p> <p>19 Cameron, again, our legal, so as I said, I</p> <p>20 don't recall doing anything specifically with</p> <p>21 the feed customers, and we were deferring to</p> <p>22 Heather, I think, about whether we needed to</p> <p>23 have a separate conversation.</p> <p>24 Q. Did you have a separate</p> <p>25 conversation?</p>	<p>1 Katherine Calhoun</p> <p>2 document, marked for</p> <p>3 identification, as of this</p> <p>4 date.)</p> <p>5 Q. Is Exhibit 21 an e-mail exchange --</p> <p>6 two e-mail exchanges between you and Mr.</p> <p>7 Kushner?</p> <p>8 A. Yes.</p> <p>9 Q. And you were communicating to him</p> <p>10 the following -- on May 17, 2010, quote, the</p> <p>11 subject is: More Haiti AFP images.</p> <p>12 Do you see that?</p> <p>13 A. I do.</p> <p>14 Q. This is an instance where you</p> <p>15 learned that there were more images that had</p> <p>16 not --</p> <p>17 A. It actually isn't.</p> <p>18 Q. Okay.</p> <p>19 A. It actually -- I think I probably</p> <p>20 meant to say more on Haiti AFP images.</p> <p>21 Q. I see?</p> <p>22 A. Because I don't believe at this</p> <p>23 point we had discovered the additional</p> <p>24 images, yet.</p> <p>25 Q. Okay. You state, quote, FYI, I've</p>

58 (Pages 226 to 229)

## CONFIDENTIAL

Page 230	Page 232
<p>1 Katherine Calhoun</p> <p>2 been working with Heather and Lisa Wilmer</p> <p>3 today to follow up on the AFP Haiti images</p> <p>4 issue. It seems a couple of clients still</p> <p>5 have the images actively on their sites,</p> <p>6 doubt it's willful, more that it's something</p> <p>7 that fell through the cracks. In any case,</p> <p>8 two of the clients are Time dot com and MTV.</p> <p>9 We're following up tomorrow.</p> <p>10 Do you see that?</p> <p>11 A. I do.</p> <p>12 Q. Did you ever reach a conclusion as</p> <p>13 to whether it was willful, that is, that</p> <p>14 those two entities actually kept the images</p> <p>15 up willfully?</p> <p>16 A. Yes. I mean, to the extent that</p> <p>17 you can reach a conclusion about that, we</p> <p>18 followed up and it was more of an instance</p> <p>19 where they had missed some of the archive</p> <p>20 uses.</p> <p>21 Q. How did that come to your</p> <p>22 attention, that it was still up and active?</p> <p>23 A. It came to our attention through</p> <p>24 Heather, I believe, who had either been</p> <p>25 monitoring these sites or came upon them</p>	<p>1 Katherine Calhoun</p> <p>2 document, marked for</p> <p>3 identification, as of this</p> <p>4 date.)</p> <p>5 Q. Have you seen this e-mail before --</p> <p>6 this e-mail series before?</p> <p>7 A. Yes.</p> <p>8 Q. And do you remember receiving and</p> <p>9 participating in these communications on the</p> <p>10 date they bear?</p> <p>11 A. Yes.</p> <p>12 Q. Does this lead you to conclude</p> <p>13 that, in fact, Time dot com got the images</p> <p>14 from the feed?</p> <p>15 A. Yes.</p> <p>16 Q. And Ms. Purdy wrote to you and Mr.</p> <p>17 Van Cassel (phonetic), "They got them from</p> <p>18 the feed, Mark Wyckoff (phonetic) contacted</p> <p>19 us prior to us alerting clients. I need to</p> <p>20 check my sent e-mails but we alerted Heather</p> <p>21 and I think we followed up with Mark."</p> <p>22 Do you see that?</p> <p>23 A. I do.</p> <p>24 Q. Did you ever learn that they didn't</p> <p>25 get the images from the feed?</p>
Page 231	Page 233
<p>1 Katherine Calhoun</p> <p>2 independently, or she had received a</p> <p>3 communication from Mr. Morel's lawyers that</p> <p>4 they had found the websites.</p> <p>5 Q. Was Time dot com a subscriber at</p> <p>6 the time?</p> <p>7 A. Yes.</p> <p>8 Q. What about MTV?</p> <p>9 A. At the time, I believe so.</p> <p>10 Q. Okay. Do you know whether either</p> <p>11 of those entities had access to -- I'm sorry</p> <p>12 -- secured the image only through the feed?</p> <p>13 A. Time -- MTV I'm almost positive has</p> <p>14 never had a feed, so they would never have</p> <p>15 gotten it through the feed. Time dot com</p> <p>16 could have.</p> <p>17 Q. Okay. And MTV should be on one of</p> <p>18 these charts, Exhibit 1 or Exhibit 2,</p> <p>19 correct?</p> <p>20 A. It should.</p> <p>21 MR. BAIO: I'll ask the</p> <p>22 reporter to mark as Exhibit 22,</p> <p>23 e-mails on a single-page document,</p> <p>24 G-008985.</p> <p>25 (Calhoun Exhibit 22,</p>	<p>1 Katherine Calhoun</p> <p>2 A. No.</p> <p>3 Q. Did you ever learn --</p> <p>4 A. Not that I recall.</p> <p>5 Q. If other customers or clients</p> <p>6 received the images from the feed, that is</p> <p>7 specifically learning that an entity had</p> <p>8 received the images through the feed?</p> <p>9 A. Not that I recall. Although, it</p> <p>10 may have been part of my conversation with</p> <p>11 the New York Times.</p> <p>12 Q. Okay. Mark Wyckoff, who's that?</p> <p>13 A. I assume he's a photo editor at</p> <p>14 Time dot com.</p> <p>15 Q. And it says, "contacted us prior to</p> <p>16 us alerting clients."</p> <p>17 Do you see that?</p> <p>18 A. I do.</p> <p>19 Q. What does that -- does that mean</p> <p>20 that he contacted Ms. Purdy prior to April,</p> <p>21 when you started contacting clients?</p> <p>22 A. Presumably. I'm not actually sure</p> <p>23 what that refers to.</p> <p>24 Q. Do you know if she checked her sent</p> <p>25 e-mails to see and reported to you?</p>

59 (Pages 230 to 233)

## CONFIDENTIAL

Page 238	Page 240
<p>1 Katherine Calhoun</p> <p>2 search what was the history with an image.</p> <p>3 If we can no longer license it, what was the</p> <p>4 issue? Was it, you know, do we no longer</p> <p>5 represent the collection? Was there a</p> <p>6 technical problem with the image and so</p> <p>7 forth.</p> <p>8 Q. Okay. That's a Getty Images</p> <p>9 database, of sorts?</p> <p>10 A. That's right or it's a data base</p> <p>11 that we use. It's a software thing that we</p> <p>12 use, something like that.</p> <p>13 Q. That data base stores images, among</p> <p>14 other things?</p> <p>15 A. Or stores data about images, yeah</p> <p>16 or thumbnails.</p> <p>17 Q. Did it store the images, as well?</p> <p>18 A. I don't know if it stores the large</p> <p>19 usable files of an image, but clearly it</p> <p>20 stores thumbnails.</p> <p>21 MR. ROSENFELD: We'll have</p> <p>22 Chris Isenberg for --</p> <p>23 MR. BAIO: I thought so.</p> <p>24 Okay, so I will take that.</p> <p>25 THE WITNESS: We'll have</p>	<p>1 Katherine Calhoun</p> <p>2 A. Okay. All right.</p> <p>3 Q. And --</p> <p>4 A. Looks strange. The -- the -- I</p> <p>5 don't know that I've seen the specific e-mail</p> <p>6 between Elizabeth and Erika in the past.</p> <p>7 Q. What was the -- do you recall the</p> <p>8 CBS News issue, when you look at the last</p> <p>9 page?</p> <p>10 A. Well, again, the CBS News issue was</p> <p>11 in one of the very first e-mail exhibits that</p> <p>12 we have here, which included the exchange</p> <p>13 between both Jessie Legon and Karen Gifford</p> <p>14 and the first time it came to my attention --</p> <p>15 the first way that I learned of this whole</p> <p>16 issue with Daniel Morel at all was through a</p> <p>17 CBS News issue.</p> <p>18 Q. I see.</p> <p>19 A. And, again, at that time, even</p> <p>20 Jessie had confirmed by March 17th that they</p> <p>21 had already removed the images. The other</p> <p>22 reason it came up, just to clarify, in</p> <p>23 exchange with Kevin and Jessie, Kevin said,</p> <p>24 do we have to contact them again. Jessie</p> <p>25 said we're a step ahead of the game because</p>
Page 239	Page 241
<p>1 Katherine Calhoun</p> <p>2 who?</p> <p>3 MR. ROSENFELD: Chris</p> <p>4 Isenberg.</p> <p>5 Q. Will testify about that when we</p> <p>6 take Mr. Isenberg's deposition. I mean,</p> <p>7 that's the -- so we can move off that and</p> <p>8 save you -- spare you on Mr. T.</p> <p>9 A. Okay.</p> <p>10 MR. BAIO: Next, 25,</p> <p>11 document G-008870.</p> <p>12 (Calhoun Exhibit 25,</p> <p>13 document, marked for</p> <p>14 identification, as of this</p> <p>15 date.)</p> <p>16 Q. This is a heavily redacted document</p> <p>17 but it appears to be an e-mail on the first</p> <p>18 page to you and on the very last page there</p> <p>19 is an e-mail that was not redacted.</p> <p>20 Have you ever seen those two</p> <p>21 e-mails before?</p> <p>22 A. Was this all part of the same</p> <p>23 chain?</p> <p>24 Q. I have no idea. This was produced</p> <p>25 to us this way.</p>	<p>1 Katherine Calhoun</p> <p>2 CBS had already removed them. So my only</p> <p>3 guess would be this is somebody at CBS who</p> <p>4 hadn't been directly involved in the previous</p> <p>5 conversations, reaching out to her account</p> <p>6 executive, but why to Erika because Erika</p> <p>7 doesn't work on CBS News? So I'm not sure</p> <p>8 why that would've been or Elizabeth could've</p> <p>9 been a freelancer that wasn't quite sure.</p> <p>10 Q. If you look at the first page,</p> <p>11 you'll see that it's two days later and</p> <p>12 Susanne Yeller (phonetic) is involved and</p> <p>13 she's referring to the newspapers?</p> <p>14 A. That's right.</p> <p>15 Q. Is there any connection between the</p> <p>16 two?</p> <p>17 A. No.</p> <p>18 Q. By this time, now we're on June 4th</p> <p>19 of 2010, had the additional images shown up?</p> <p>20 A. Yes.</p> <p>21 Q. And how did they show up?</p> <p>22 A. How was it discovered?</p> <p>23 Q. Yes.</p> <p>24 A. It was discovered because Kevin</p> <p>25 Gibert, again who is on our sales team, had</p>

61 (Pages 238 to 241)

## CONFIDENTIAL

Page 242	Page 244
<p>1 Katherine Calhoun</p> <p>2 been talking with Vanity Fair because there</p> <p>3 was -- one of the images was on Vanity Fair</p> <p>4 dot com, so he was calling them -- he was</p> <p>5 talking to them to get them to remove the</p> <p>6 image and realized that Vanity Fair had not</p> <p>7 been in the original -- in working with</p> <p>8 Vanity Fair, and he said, what's the image,</p> <p>9 they found out it was an image number that</p> <p>10 hadn't been on the original list.</p> <p>11 Q. Just one image?</p> <p>12 A. They found just one image, yes.</p> <p>13 Q. And then what did you or your team</p> <p>14 do in response to learning that?</p> <p>15 A. I think Kevin sent it to me and</p> <p>16 then I sent it to sales operations and said,</p> <p>17 are we sure we got all the image numbers?</p> <p>18 Q. What was the response?</p> <p>19 A. Presently they had discovered that</p> <p>20 there were some additional image numbers that</p> <p>21 hadn't been found or hadn't been captured in</p> <p>22 the first report.</p> <p>23 Q. This was in June of 2010?</p> <p>24 A. That's right.</p> <p>25 Q. As you sit here, or in your</p>	<p>1 Katherine Calhoun</p> <p>2 communications or conversations with anyone</p> <p>3 as to why the Washington Post had not</p> <p>4 eliminated or taken it off its website?</p> <p>5 A. No.</p> <p>6 Q. What about in the CRM process, was</p> <p>7 somebody assigned the job to communicate with</p> <p>8 them and to accomplish that goal?</p> <p>9 A. I would have to double-check.</p> <p>10 Q. Well, do you remember being</p> <p>11 surprised in June of 2010 that images had</p> <p>12 still been on the Washington Post's website?</p> <p>13 A. Do I remember being surprised,</p> <p>14 specifically. It didn't -- I wasn't made</p> <p>15 aware of it, I think, until I got this e-mail</p> <p>16 which confirmed that they'd been removed, so</p> <p>17 I was surprised, but also gratified that they</p> <p>18 were off.</p> <p>19 Q. Did you subsequently find out that</p> <p>20 they had not removed it from their website?</p> <p>21 A. Not that I recall. Not that I</p> <p>22 recall.</p> <p>23 Q. Okay.</p> <p>24 MR. BAIO: Next Exhibit, 27.</p> <p>25 G-010580 through 584.</p>
Page 243	Page 245
<p>1 Katherine Calhoun</p> <p>2 capacity as a 30-B(6) witness, do you know</p> <p>3 why they weren't found sooner?</p> <p>4 A. I don't.</p> <p>5 MR. BAIO: I'm going to ask</p> <p>6 the reporter to mark as the next</p> <p>7 Exhibit 26, a two-page document</p> <p>8 with the Bates Number G-000810.</p> <p>9 (Calhoun Exhibit 26,</p> <p>10 document, marked for</p> <p>11 identification, as of this</p> <p>12 date.)</p> <p>13 Q. Have you seen this exhibit before?</p> <p>14 A. Yes.</p> <p>15 Q. What is it?</p> <p>16 A. This is an exchange between Cynthia</p> <p>17 and the Washington Post, which is one of her</p> <p>18 clients, and he had -- and him confirming</p> <p>19 that they had removed the pictures.</p> <p>20 Q. Prior to June 10, 2010, is it -- is</p> <p>21 it at least your understanding that the</p> <p>22 Washington Post had not removed the images</p> <p>23 from their website?</p> <p>24 A. That is my understanding.</p> <p>25 Q. And had you been involved in any</p>	<p>1 Katherine Calhoun</p> <p>2 (Calhoun Exhibit 27,</p> <p>3 document, marked for</p> <p>4 identification, as of this</p> <p>5 date.)</p> <p>6 Q. Have you seen this exhibit before</p> <p>7 or any part of it?</p> <p>8 A. Let's see...no.</p> <p>9 Q. The back of it is not a trick, 582</p> <p>10 really starts with your e-mail reaching out</p> <p>11 to --</p> <p>12 A. The original e-mail.</p> <p>13 Q. Yes.</p> <p>14 Do you remember issues coming out</p> <p>15 -- coming to your attention in June of 2010</p> <p>16 that certain clients had not been</p> <p>17 communicated with that still needed to be,</p> <p>18 and that's in an e-mail from Novie to Sharon</p> <p>19 Owen (phonetic).</p> <p>20 Does that refresh your recollection</p> <p>21 that there was still a group or some clients</p> <p>22 who had to be communicated with?</p> <p>23 A. That's not part of my recollection,</p> <p>24 so I'm just trying to make sense of this</p> <p>25 right now.</p>

62 (Pages 242 to 245)



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

AGENCE FRANCE PRESSE,

Plaintiff,

v.

DANIEL MOREL,

Defendant and  
Counterclaim Plaintiff

v.

AGENCE FRANCE PRESSE,

Counterclaim Defendant,

And

GETTY IMAGES (US), INC., CBS  
BROADCASTING, INC., ABC, INC., TURNER  
BROADCASTING, INC. and (AFP and Getty  
Licensees does 1 - et. al).

Third Party Counterclaim  
Defendants

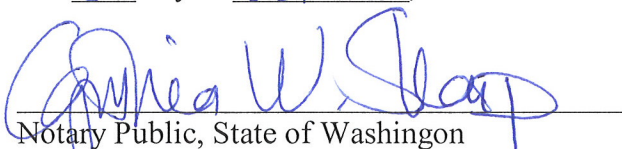
Case No. 10-cv-2730 (WHP)  
ECF Case

**ACKNOWLEDGMENT**

I, HEATHER CAMERON, hereby certify that I have read the transcript of my testimony taken under oath in my deposition of July 20 and July 21, 2011; that the transcript is a true, complete and correct record of my testimony, except for the corrections, if any, noted in the attached errata sheet, and that the answers on the record as given by me are otherwise true and correct.

  
HEATHER CAMERON

Sworn and subscribed to before me  
this 3<sup>rd</sup> day of October, 2011.

  
Notary Public, State of Washington



**Heather Cameron Deposition Corrections**

**Volume I, Tuesday, July 20, 2011:**

Page 24, line 23: should be "Jennifer Walker" instead of "Jennifer Washington"

Page 32, line 6: should be "byline" instead of "buy line"

Page 34, line 24: should be "site" instead of "sight"

Page 51, line 2: should be "general counsel" instead of "general"

Page 52, line 8: should be "It is a " instead of "It a"

Page 56, lines 7, 12, 13: should be "JPEG" instead of "jpg"

Page 71, line 11: should be "asset" instead of "assets"

Page 73, line 22: should be "ask you" instead of "as you"

Page 75, line 20: should be "I will ask our team here to run..." instead of "I'll ask her to run..."

Page 75, line 22: should be "to AFP" instead of "to them"

Page 80, line 9: should be "we don't know that" instead of "we don't that"

**Volume II, Wednesday, July 21, 2011:**

Page 92, line 22: should be "privacy or publicity, employment," instead of "privacy or publicity employment"

Page 93, line 10: should be "the specific image?" instead of "the specific image."

Page 94, line 24: should be "I was not" instead of "I would not"

Page 96, line 25: should be "rubble" instead of "ruble"

Page 97, line 2: should be "buildings" instead of "building"

Page 101, line 9: should be "license" instead of "licensed"

Page 106, line 14: "Objection to form." instead of "Objection to for."

Page 121: line 25: should be "referred to" instead of "referred on"

Page 123, line 16: should be "in the drawer" instead of "to drawer"



Page 124, line 15: should be "initial" instead of "initials"

Page 125, line 3: should be "coming to us" instead of "coming to use"

Page 126, lines 15 and 24: should be "Jeff Gaites" instead of "Jeff Gates"

Page 127, line 6: should be ""Jeff Gaites" instead of "Jeff Gates"

Page 151, line 13: should be "Getty Images' own" instead of "Getty Images own"

Page 155, line 21: should be "Fensch" instead of "Fansch"

Redacted

-----Original Message-----

From: Katie Calhoun  
Sent: Wednesday, March 17, 2010 10:56 AM  
To: Pancho Bernasconi  
Subject: FW: CBSnews.com Haiti Earthquake images

Are you aware of some issues we're having with Haiti images from a photographer named Daniel Morel? Apparently they came through AFP?

Jesse spoke with heather Cameron about it, and legal is on top of it. But the lawyer for Daniel Morel is contacting our clients directly asking for settlement.

Katie

-----Original Message-----

From: Jesse Legon  
Sent: Wednesday, March 17, 2010 10:40 AM  
To: Katie Calhoun  
Subject: CBSnews.com Haiti Earthquake images

FYI: Cbsnews.com at this time we do not have a deal with this division of CBS...

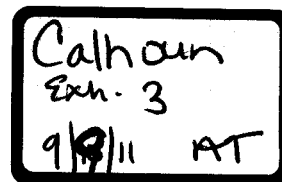
Jesse Legon | Senior Account Manager | Broadcast & New Media | Images | Footage | Music gettyimages  
75 Varick Street, 5th floor, New York, NY 10013 P 646.613.3742 | F 646.613.3734 | M 917.796.2565 | Toll Free:  
800.462.4379 jesse.legon@gettyimages.com www.gettyimages.com

-----Original Message-----

From: Turner, Patrick M (CBS Law) [mailto:Patrick.Turner@cbs.com]  
Sent: Wednesday, March 17, 2010 10:08 AM  
To: Jesse Legon  
Cc: Poser, Nicholas E; Siegel, Andrew J  
Subject: RE: Daniel Morel January 12, 2010 Haiti Earthquake images

Jesse:

CBS News has an agreement with Getty, part of which are online rights.



However, in this situation it does not appear that Getty was the source of the CBS News images.

Best regards,  
Patrick

Patrick Turner  
Assistant General Counsel, CBS Law Department  
51 West 52 Street, (51W52/31-15), New York, NY 10019, (p) 212.975.2993, (f) 212.975.0112, Patrick.Turner@cbs.com

---

CONFIDENTIALITY NOTE:

This email and any attachments is confidential, may be legally privileged and is intended for the use of the addressee only. If you are not the intended recipient, please note that any use, disclosure, printing or copying of this email is strictly prohibited and may be unlawful. If received in error, please delete this email and any attachments and confirm this to the sender.

-----Original Message-----

From: Jesse Legon [mailto:Jesse.Legon@gettyimages.com]  
Sent: Wednesday, March 17, 2010 6:24 AM  
To: Turner, Patrick M (CBS Law)  
Cc: Poser, Nicholas E; Siegel, Andrew J; Stanton, Matthew  
Subject: RE: Daniel Morel January 12, 2010 Haiti Earthquake images

I wanted to let you know cbsnews.com and Getty do not have an agreement if you could let me know how they obtained the image?

Sorry for the confusion and appreciate your help.

Jesse

"Turner, Patrick M (CBS Law)" <Patrick.Turner@cbs.com> wrote:

Jesse:

All uses from CBS owned web sites have been removed to my knowledge. Matthew has removed uses from the stations sites.

We are looking at this particular use on CBSNews.com to determine the exact source.

I forwarded you the note from Ms. Hoffman to keep you abreast of any communication.

Best regards,  
Patrick

Patrick Turner  
Assistant General Counsel, CBS Law Department  
51 West 52 Street, (51W52/31-15), New York, NY 10019, (p) 212.975.2993, (f) 212.975.0112, Patrick.Turner@cbs.com

---

CONFIDENTIALITY NOTE:

This email and any attachments is confidential, may be legally privileged and is intended for the use of the addressee only. If you are not the intended recipient, please note that any use, disclosure, printing or copying of this email is strictly prohibited and may be unlawful. If received in error, please delete this email and any attachments and confirm this to the sender.

-----Original Message-----

From: Jesse Legon [mailto:Jesse.Legon@gettyimages.com]  
Sent: Tuesday, March 16, 2010 7:02 PM  
To: Turner, Patrick M (CBS Law)  
Cc: Poser, Nicholas E; Siegel, Andrew J; Stanton, Matthew  
Subject: Re: Daniel Morel January 12, 2010 Haiti Earthquake images

Patrick,

Thanks I would recommend removing the image from CBS local digital websites. I will follow up with my legal team.

To clarify I noticed the URL below is cbsnews.com and Getty does have an agreement with this division of CBS?

Matt - did your team remove the images from your sites?

Thanks,  
Jesse

"Turner, Patrick M (CBS Law)" <Patrick.Turner@cbs.com> wrote:

Jesse:

FYI, we have received the following attached e-mail from Barbara Hoffman, attorney for Daniel Morel today regarding the claim for use of photos of Haiti.

Best regards,  
Patrick

Patrick Turner  
Assistant General Counsel, CBS Law Department  
51 West 52 Street, (51W52/31-15), New York, NY 10019, (p) 212.975.2993, (f) 212.975.0112,  
Patrick.Turner@cbs.com<mailto:Patrick.Turner@cbs.com>

-----  
CONFIDENTIALITY NOTE:

This email and any attachments is confidential, may be legally privileged and is intended for the use of the addressee only. If you are not the intended recipient, please note that any use, disclosure, printing or copying of this email is strictly prohibited and may be unlawful. If received in error, please delete this email and any attachments and confirm this to the sender.

From: Barbara Hoffman [mailto:artlaw@hoffmanlaw.org]  
Sent: Tuesday, March 16, 2010 11:21 AM  
To: Turner, Patrick M (CBS Law)  
Cc: Daniel Morel  
Subject: Daniel Morel January 12, 2010 Haiti Earthquake images

Dear Mr. Turner,

Mr. Morel's image continues to appear on the CBS website, as of today. Although 11 images have been removed, the iconic image continues to remain on the home page.

<http://www.cbsnews.com/stories/2010/01/13/world/main6090996.shtml>

As previously noted, I would expect to have the results of your internal investigation and a reasonable offer of settlement by tomorrow.

This letter is without prejudice to any rights, legal or equitable, which my client may have and is for settlement purposes only.

Sincerely yours,

Barbara T. Hoffman, Esq.  
The Hoffman Law Firm  
330 W. 72nd Street  
New York, NY 10023  
Tel: 212.873.6200  
Fax: 212.974.7245

\* Please note new email address \*  
[artlaw@hoffmanlaw.org](mailto:artlaw@hoffmanlaw.org)  
<http://www.hoffmanlawfirm.org>

NOTE: This message is intended only for the use of the individual or entity to whom it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address via the U.S. Postal Service. Thank you.

Redacted

**From:** Stuart Braun  
**Sent:** Thursday, April 08, 2010 4:23 PM  
**To:** Katie Calhoun  
**Subject:** FW: Getty Images Haiti Earthquake Image Recall  
**Importance:** High

Who do you think I should talk to about this ... clients say that the number doesn't mean anything to them .. they need a visual

**Stuart Braun | Senior Sales Manager | Media |**

**gettyimages**

75 Varick Street | New York, NY | 10013

Tel: 646-613-4116 | Fax: 646-613-4511 |

[www.gettyimages.com](http://www.gettyimages.com)

Conceptual. Unique. Surprising. one80.

See our new premium footage collection.

<https://secure.gettyimages.com/Music/PumpAudio>

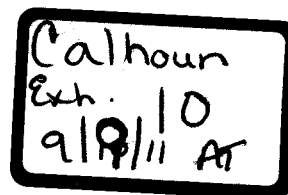
---

**From:** Cynthia Ederh  
**Sent:** Thursday, April 08, 2010 3:27 PM  
**To:** Stuart Braun; Tori Purdy  
**Subject:** FW: Getty Images Haiti Earthquake Image Recall  
**Importance:** High

I need thumbnails for these culled images...

---

**From:** gabrieljohnson1@gmail.com [mailto:gabrieljohnson1@gmail.com] **On Behalf Of** Gabriel Johnson  
**Sent:** Thursday, April 08, 2010 2:22 PM



**To:** Cynthia Eдорh  
**Subject:** Re: Getty Images Haiti Earthquake Image Recall

Cynthia,

Please let me know which videos they are in and the videos will be removed from the website.

Thanks,  
Gabe

On Thu, Apr 8, 2010 at 11:25 AM, Cynthia Eдорh <[cynthia.edorh@gettyimages.com](mailto:cynthia.edorh@gettyimages.com)> wrote:

Hi Gabriel,

You recently downloaded 3 images of the Haitian earthquake (95734704,95737370,95739064)

These images are now the subject of a copyright dispute. We have referred this matter to the third party that provided the images to us.

As you know, Getty Images indemnifies you against any copyright claims that emerge as the result of an image you have obtained and licensed from us. In the meantime, to further protect you against any copyright claims, we ask that you remove the images from your website, take down any online use, and remove the images from your internal media grid to prevent any further usage.

If you have used the images in a print product that cannot be pulled, please let us know by writing to [nancy.monson@gettyimages.com](mailto:nancy.monson@gettyimages.com).

We apologize for any inconvenience and thank you in advance for your cooperation. Please reply back to this email confirming your receipt of this message.

Thank you,

Cynthia

Cynthia Eдорh



Getty Images

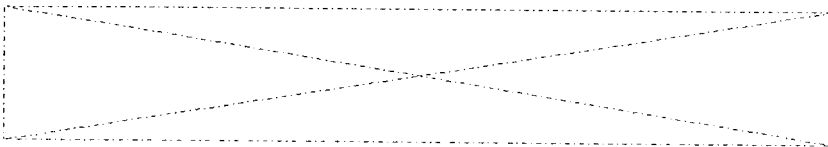
75 Varick Street, 5th Floor

New York, NY 10013

Tel 646 613 4548

[cynthia.edorh@gettyimages.com](mailto:cynthia.edorh@gettyimages.com)





---

**From:** Brian Novy  
**Sent:** Thursday, April 08, 2010 3:55 PM  
**To:** Katie Calhoun  
**Subject:** Re: harpo - Haiti

Thanks again Katie!

Sent from my iPhone

On Apr 8, 2010, at 12:48 PM, "Katie Calhoun" <[katie.calhoun@gettyimages.com](mailto:katie.calhoun@gettyimages.com)> wrote:

It's going to go out automatically from lega/sales ops to any contact that has downloaded or purchased the imagery. You can just let them know it's being sent from an automated source and they can consider it addressed

Katie Calhoun  
Sales Director, Media  
**gettyimages**

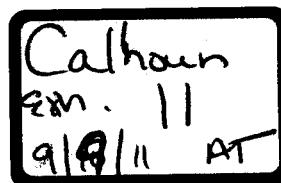
One Hudson Square  
75 Varick Street, 5th Floor  
New York, NY 10013  
Phone 646.613.4175  
Cell 917.804.9433  
Fax 646.613.3601  
Toll Free 800.462.4379 x4175

[www.gettyimages.com](http://www.gettyimages.com)  
[katie.calhoun@gettyimages.com](mailto:katie.calhoun@gettyimages.com)

---

**From:** Brian Novy  
**Sent:** Thursday, April 08, 2010 3:47 PM  
**To:** Katie Calhoun  
**Subject:** RE: harpo - Haiti

Sorry another question: even if we had a conversation with the customer, do we also need to send them the official legal e-mail?



---

**From:** Katie Calhoun  
**Sent:** Thursday, April 08, 2010 11:46 AM  
**To:** Brian Novy  
**Subject:** RE: harpo - Haiti

We just need to capture that. Not expecting them to take the imagery out of produced shows. But if it's being used stand-alone on a website, it should come down and we can replace it.

---

**From:** Brian Novy  
**Sent:** Thursday, April 08, 2010 1:59 PM  
**To:** Katie Calhoun  
**Subject:** harpo - Haiti

What do we do if the images were already used in a show?

Best, Brian

---

**Brian Novy**

Director of Sales, West

Getty Images, Inc.

Los Angeles, CA 90048

Direct: 323-202-4220 Cell: 917-848-4646

Email: [brian.novy@gettyimages.com](mailto:brian.novy@gettyimages.com)

[www.gettyimages.com](http://www.gettyimages.com)

---







---

**From:** Katie Calhoun  
**Sent:** Friday, March 26, 2010 4:56 PM  
**To:** Marc Kurschner  
**Subject:** RE: AFP/Haiti

No – I just sent you a bit more details, along with the list of clients that downloaded these images. It's a long list.

---

**From:** Marc Kurschner  
**Sent:** Friday, March 26, 2010 5:55 PM  
**To:** Katie Calhoun  
**Subject:** Re: AFP/Haiti

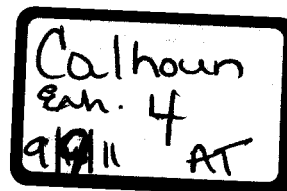
Oh boy that's not good.



Redacted



Redacted



Redacted

Redacted

al

---

**From:** Marc Kurschner  
**Sent:** Monday, March 29, 2010 10:37 PM  
**To:** Katie Calhoun  
**Subject:** Re: AFP/Haiti

Ok cool thanks

---

**From:** Katie Calhoun  
**To:** Marc Kurschner  
**Sent:** Mon Mar 29 20:15:50 2010  
**Subject:** Re: AFP/Haiti

No, thanks. Legal is tweaking the message. I didn't hear back from them today.

We're not planning to communicate out until they have finalized the list and sent to other territories as well.

I'll check in with Nancy Monson again tomorrow and will copy you in case she has any questions. Pancho is up to speed on it too. We touched base on it today

On Mar 29, 2010, at 9:52 PM, "Marc Kurschner" <[Marc.Kurschner@gettyimages.com](mailto:Marc.Kurschner@gettyimages.com)> wrote:

Anything I need to do here while you are away?

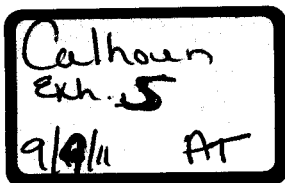
---

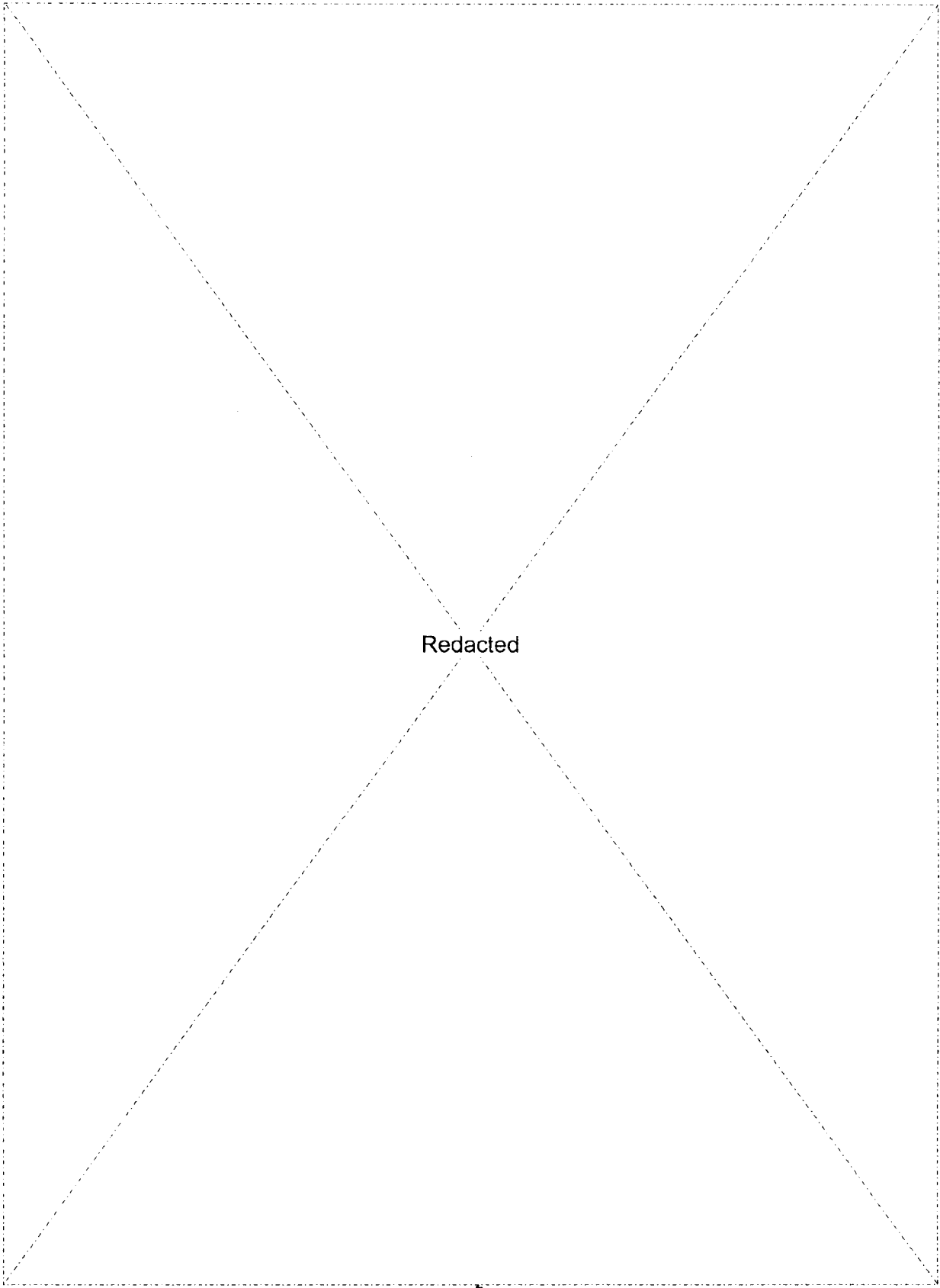
**From:** Katie Calhoun  
**Sent:** Friday, March 26, 2010 5:55 PM  
**To:** Marc Kurschner  
**Subject:** FW: AFP/Haiti

Marc,

Fyi, I just copied you on an email on this. Not sure if this has been brought to your attention yet: It seems AFP pulled some Haiti images off of TwitPic and distributed them to us and over our feeds. The photographer is challenging AFP's rights to the images and, in some cases, contacting our clients directly looking for money.

Pancho and Adrian are both in the loop on this. As I understand it, AFP is taking responsibility and dealing with the lawyer.





Redacted

**From:** Marc Kurschner  
**Sent:** Friday, April 02, 2010 3:12 PM  
**To:** Katie Calhoun; Brian Novy; Justin Weiss  
**Subject:** FW: HAITI EARTHQUAKE IMAGES  
**Attachments:** FW: AFP issue

**Importance:** High

Guys Just a heads up. This is an important drill we will need to do before the end of next week. Katie has the info on this but basically there were photos given to us by AFP that they did not have the rights to from Hati.

**From:** Denise Banister  
**Sent:** Friday, April 02, 2010 4:07 PM  
**To:** Kumi Shimamoto; Jeff Guilbault; Wolfgang Waehner-Schmidt; Mike Harris; Stefano Fantoni; Daniel Gluckmann; Guy Thorneloe; Marc Kurschner; Matthew Richards  
**Cc:** Lee Martin; Michael Teaster  
**Subject:** HAITI EARTHQUAKE IMAGES  
**Importance:** High

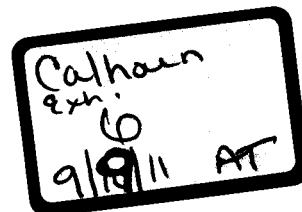
Hi

This is a heads up that we are loading a number of activities to CRM on Monday that your sales teams must follow up on as soon as possible by contacting the customer via email, we will provide the template. The background to this request is attached. The number of customers affected by territory is below, the email template will only be in English. Susan Nomecos will send out a note on Monday explaining the process that your teams should follow

Let me know if you have any questions

thx

country	Total
Australia	3
Canada	6
France	1
Germany	9
Great Britain	26
Ireland	3
Italy	3
Portugal	1
Switzerland	1
United Arab Emirates	1
USA	145
Grand Total	199



---

**From:** Jesse Legon  
**Sent:** Wednesday, April 07, 2010 8:59 AM  
**To:** Kevin Gippert  
**Subject:** RE: HAITI EARTHQUAKE IMAGES

No way we are step ahead of the game I sure I hope not....

Jess

**Jesse Legon | Senior Account Manager | Broadcast & New Media |**  
Images | Footage | Music

**gettyimages**

75 Varick Street, 5<sup>th</sup> floor, New York, NY 10013

P 646.613.3742 | F 646.613.3734 | M 917.796.2565 | Toll Free: 800.462.4379

[jesse.legon@gettyimages.com](mailto:jesse.legon@gettyimages.com)

[www.gettyimages.com](http://www.gettyimages.com)

---

**From:** Kevin Gippert  
**Sent:** Wednesday, April 07, 2010 9:59 AM  
**To:** Jesse Legon  
**Subject:** FW: HAITI EARTHQUAKE IMAGES

Do we need to contact CBS again ?

---

**From:** Katie Calhoun  
**Sent:** Wednesday, April 07, 2010 9:43 AM  
**To:** NY Sales - Media  
**Cc:** Brian Novy  
**Subject:** FW: HAITI EARTHQUAKE IMAGES

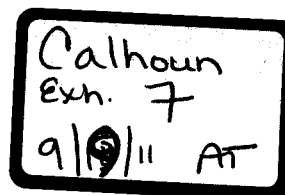
Guys,

We have an issue with some AFP images from Haiti: It seems AFP picked up some images from a photographer named Dan Morel off of TwitPic and distributed them through us as part of what went out over our feeds. The photographer – who is actually represented by Corbis – is causing an issue with AFP and in some cases, his lawyer is reaching out directly to our clients insisting they need to pay them. (We know they have called CBS, for example).

AFP is working through this legally on our behalf.

A couple of things:

- We have indemnified our clients through our standard T&Cs. That said, TO FURTHER PROTECT THEM, we need them to remove the images off of their web sites or any internal media grids or content management systems so that no further uses occur.
- If they have used the images in a print product that has already been distributed, we just want to know about it to keep records.
- For anyone who has downloaded them and had planned to use the images in the future, we can offer some of our incredible wholly-owned imagery free of charge as replacements.





Our plan is to have sales reach out first – ideally by the end of this week – to deliver the message and explain the situation. Once that's done, an automatic email will go out to every contact that downloaded one of these images or purchased them a la carte with the message below (or something very similar).

You recently purchased/downloaded images of the Haitian earthquake (asset IDs \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, etc.). These images are now the subject of a copyright dispute. We have referred this matter to the third party that provided the images to us. As you know, Getty Images indemnifies you against any copyright claims that emerge as the result of an image you have obtained and licensed from us. In the meantime, to further protect you against any claims, we ask that you remove the images from your website or take down any online use, and remove the images from your internal media grid to prevent any further usage. If you downloaded the images via Easy Access, please know you will not be able to license them. If you have used the images in a print product that cannot be pulled, please let us know [Nancy Monson contact information]. We apologize for any inconvenience and thank you in advance for your cooperation.

Please check the list attached for your clients and coordinate with your related Outbound/Inbound colleagues to plan who delivers this communication.

Of course, let me know if you have any questions at all.

Katie

---

**From:** Marc Kurschner  
**Sent:** Friday, April 02, 2010 4:12 PM  
**To:** Katie Calhoun; Brian Novy; Justin Weiss  
**Subject:** FW: HAITI EARTHQUAKE IMAGES  
**Importance:** High

Guys Just a heads up. This is an important drill we will need to do before the end of next week. Katie has the info on this but basically there were photos given to us by AFP that they did not have the rights to from Hati.

---

**From:** Denise Banister  
**Sent:** Friday, April 02, 2010 4:07 PM  
**To:** Kumi Shimamoto; Jeff Guilbault; Wolfgang Waehner-Schmidt; Mike Harris; Stefano Fantoni; Daniel Gluckmann; Guy Thorneloe; Marc Kurschner; Matthew Richards  
**Cc:** Lee Martin; Michael Teaster  
**Subject:** HAITI EARTHQUAKE IMAGES  
**Importance:** High

Hi

This is a heads up that we are loading a number of activities to CRM on Monday that your sales teams must follow up on as soon as possible by contacting the customer via email, we will provide the template. The background to this request is attached. The number of customers affected by territory is below, the email template will only be in English. Susan Nomecos will send out a note on Monday explaining the process that your teams should follow

Let me know if you have any questions

thx

country	Total
Australia	3
Canada	6
France	1
Germany	9
Great Britain	26
Ireland	3
Italy	3
Portugal	1
Switzerland	1
United Arab Emirates	1
USA	145
Grand Total	199



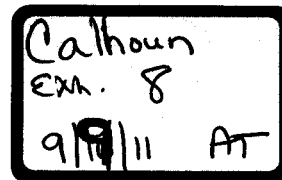
---

**From:** Marc Kurschner  
**Sent:** Wednesday, April 07, 2010 9:30 PM  
**To:** Katie Calhoun  
**Subject:** Re: Haiti images thumbnails?  
**Attachments:** image001.png

Any issue that we will not get this done by friday?



Redacted



Redacted

S  
F  
S  
T  
C  
S

Redacted



Redacted

e  
es  
h  
nl

**From:** Denise Banister  
**Sent:** Thursday, April 08, 2010 9:50 AM  
**To:** Katie Calhoun; Josh Rucci; Duncan McIntyre; Jeff Guilbault; Stefano Fantoni; Daniel Gluckmann; Wolfgang Waehner-Schmidt  
**Cc:** Caroline B Willis  
**Subject:** Haiti Earthquake images  
**Importance:** High

Hi

This is what the data looks like today, the 87 open activities need to be properly actioned and closed by E.O.D. tomorrow

thx

Row Labels	Completed	Open	Grand Total
Australia		3	3
Canada	2	4	6
France		1	1
Germany	9		9
Great Britain		26	26
Ireland		3	3
Italy	2	1	3
Portugal		1	1
Switzerland		1	1
United Arab Emirates		1	1
USA	55	87	142
<b>Grand Total</b>	<b>68</b>	<b>128</b>	<b>196</b>

Thx

Calhoun  
 Exh. 9  
 9/19/11 AT

Redacted

**From:** Katie Calhoun  
**Sent:** Monday, April 12, 2010 6:15 PM  
**To:** NY Sales - Media  
**Subject:** FW: Getty Images - IMAGE RECALL- Copyright Conflict CRM:09880008

Fyi, some clients had been asking about image ID #s that weren't included in our Haiti thumbnails. Please see below. Seems those were duplicate image IDs.

Katie

Redacted

**From:** Katie Calhoun  
**Sent:** Monday, April 12, 2010 2:35 PM  
**To:** Nancy Monson  
**Subject:** FW: Getty Images - IMAGE RECALL- Copyright Conflict CRM:09880008  
**Importance:** High

Nancy,

So sorry it's taken me so long to get back to you! The issue with these images is that the image numbers were included in our over-arching report, but there were no images with those numbers in the thumbnails we sent. So the clients aren't sure what the images looked like either.

Katie

**From:** Gesine Stross  
**Sent:** Monday, April 12, 2010 10:20 AM  
**To:** Katie Calhoun

1

Calhoun  
9/17/11 AT

G008308

**Subject:** FW: Getty Images - IMAGE RECALL- Copyright Conflict CRM:09880008  
**Importance:** High

CNN...

---

**From:** Frey, Andrea [mailto:Andrea.Frey@turner.com]  
**Sent:** Friday, April 09, 2010 4:19 PM  
**To:** Gesine Stross  
**Subject:** FW: Getty Images - IMAGE RECALL- Copyright Conflict  
**Importance:** High

Hey Gesine –

I see three photo numbers on the lists that don't have thumbnails in the lightbox:

95734878  
95734885  
95737398

Is it possible to get thumbnails of these images too?

Thanks again!

Andrea Frey  
Manager, CNN Rights & Clearances  
Phone: 212-275-8478  
Fax: 212-275-0585  
Cell: 917-886-1683

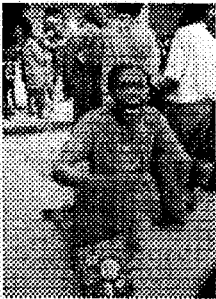
---

**From:** Gesine Stross [mailto:gesine.stross@gettyimages.com]  
**Sent:** Thursday, April 08, 2010 6:06 PM  
**To:** Frey, Andrea; Schmookler, Lori; Griffith, Paige  
**Cc:** Tori Purdy  
**Subject:** RE: Getty Images - IMAGE RECALL- Copyright Conflict

The images you used and the thumbnails are below among the 28 thumbnails:

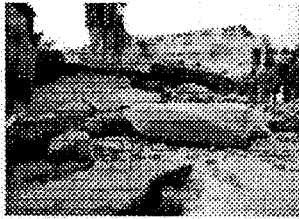
95734704  
95734818  
95734865  
95734878  
95734885  
95737370  
95737394  
95737398  
95737403  
95738439  
95738443  
95738444  
95738446  
95738464  
95738474

95739064



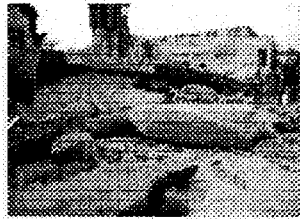
95738439

(S)



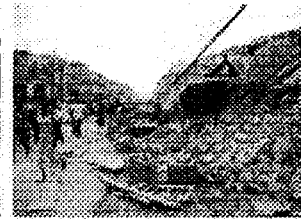
95738440

(S)



95738443

(S)



95738444

(S)



95738477

(S)



95738491

(S)



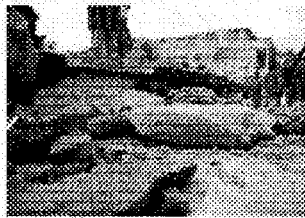
95738495

(S)



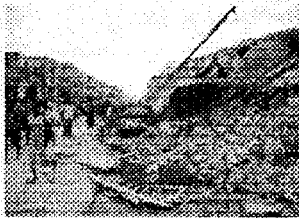
95738505

(S)



95738585

(S)



95738589

(S)



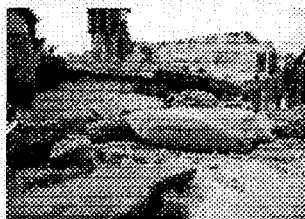
95738590

(S)



95739064

(S)



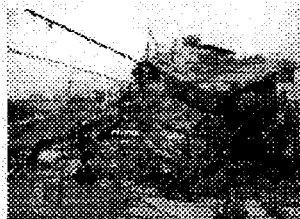
95737370

(S)



95737394

(S)



95737403

(S)



95734704

(S)



**gesine** stross | account executive, **media** | **gettyimages** | office: 646.613.4543 | fax: 646.613.4501 | 75 varick street 5th floor. new york. new york 10013

<http://www.gettyimages.com/Footage>

**Get music now**

---

**From:** Frey, Andrea [mailto:Andrea.Frey@turner.com]  
**Sent:** Thursday, April 08, 2010 4:43 PM  
**To:** Gesine Stross; Schmookler, Lori; Griffith, Paige  
**Cc:** Tori Purdy  
**Subject:** RE: Getty Images - IMAGE RECALL- Copyright Conflict

Hi Gesine,  
Thanks for this. Is there any way we can get a description of the photos at issue or copies of the photos? We don't keep the Getty ID number anywhere internally that we're aware of, so it would be very difficult for us to track these down without more information. Any info would be greatly appreciated.

Thanks,

**Andrea Frey**  
Manager, CNN Rights & Clearances  
Phone: 212-275-8478  
Fax: 212-275-0585  
Cell: 917-886-1683

---

**From:** Gesine Stross [mailto:gesine.stross@gettyimages.com]  
**Sent:** Thursday, April 08, 2010 4:11 PM  
**To:** Schmookler, Lori; Griffith, Paige; Frey, Andrea  
**Cc:** Tori Purdy  
**Subject:** Getty Images - IMAGE RECALL- Copyright Conflict  
**Importance:** High

Hello Lori, Paige and Andrea,

I have been asked by my management to send this letter out to the people associated with the usernames who downloaded the affected images. I thought I should run the situation by you directly.

Various CNN usernames recently downloaded one or more images of the Haitian earthquake:

Greg Christensen – username: cnnlkl:  
95734704,95734818,95734885,95737398,95738443,95738446,95738464,95738474,95739064  
Kim Gross – username: cnnweb: 95738446  
Kim Gross - username: cnnvideo: 95734818,95738439  
Kim Gross - username: cnnonlineintl:  
95734704,95734818,95734865,95734878,95734885,95737370,95738443,95738444,95738474,95739064  
Kim Gross - username: cnnnewsprod: 95734704,95734818,95737398,95737403,95738446,95738474,95739064  
Kim Gross - username: cnnsiteprod: 95734865,95737394,95738446,95738464  
Kim Gross - username: cnnspecial: 95738474  
CNN Interactive - username: cnnonlinedesign: 95734818,95738444,95738464,95738474,95739064

These images are now the subject of a copyright dispute. We have referred this matter to the third party that provided the images to us.

As you know, Getty Images indemnifies you against any copyright claims that emerge as the result of an image you have obtained and licensed from us. In the meantime, to further protect you against any copyright claims, we ask that you remove the images from your website, take down any online use, and remove the images from your internal media grid to prevent any further usage.

We apologize for any inconvenience and thank you in advance for your cooperation. Please reply back to this email confirming your receipt of this message.

Sincerely,  
~Gesine

**gesine** stross | account executive, media | **gettyimages** | office: 646.613.4543 | fax: 646.613.4501 | 75 varick street 5th floor. new york. new york 10013

<http://www.gettyimages.com/Footage>

**Get music now**





---

**From:** Tori Purdy  
**Sent:** Tuesday, April 13, 2010 9:47 AM  
**To:** Katie Calhoun  
**Subject:** RE: Haiti pix - great job, guys!!

Do we need to do anything with those clients that received the images via the afp feed? Time.com and NTY contacted me as they received letters from Daniel's lawyer. I forward the emails to Heather Cameron, but have not heard back. I have not heard anything more from the clients, but just checking....

---

**From:** Katie Calhoun  
**Sent:** Tuesday, April 13, 2010 10:36 AM  
**To:** NY Sales - Media  
**Cc:** Brian Novy; Marc Kurschner  
**Subject:** Haiti pix - great job, guys!!  
**Importance:** High

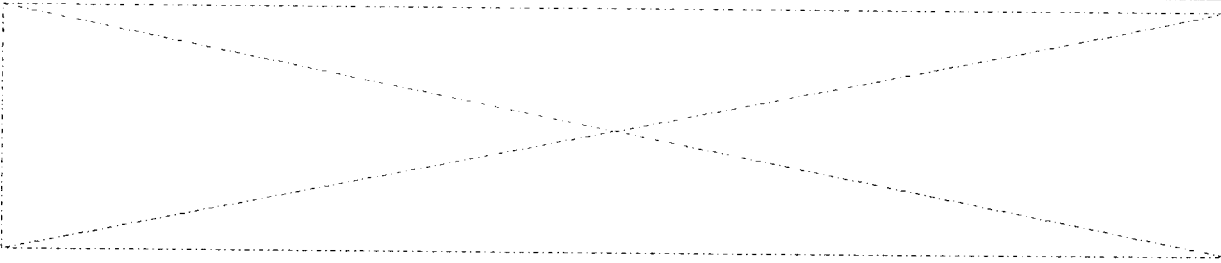
Hey everybody,

Thanks so much for jumping so quickly on the issue with the Haiti images and following up with all the clients. It was a tight turnaround, and you guys were all great!

Let us know if any further questions come up, but the issue should be behind us now.

Katie

Calhoun  
18  
9/8/11 AT



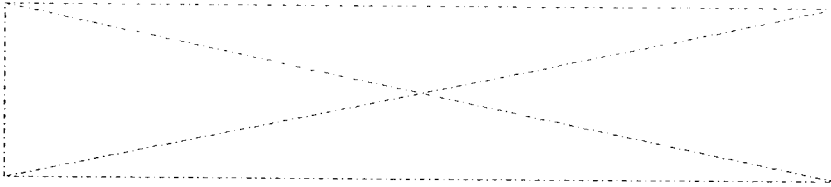
**From:** Tori Purdy  
**Sent:** Monday, May 17, 2010 10:54 PM  
**To:** Larry Van Cassele; Katie Calhoun  
**Cc:** Suzanne Weller  
**Subject:** Time.com- Haiti Earthquake photos

Yes, I was correct. Time.com contacted us regarding these photos. I looped in Heather Cameron, but I don't think we ever heard back. (see attached emails)

I don't believe we were instructed to do anything with the images that were acquired via feed delivery. Let us know what we need to do.

Thanks,  
Tori

Calhoun  
20  
9/18/11 AT



---

**From:** Marc Kurschner  
**Sent:** Monday, May 17, 2010 9:01 PM  
**To:** Katie Calhoun  
**Subject:** Re: More Haiti AFP images...

Yuk ok.

---

**From:** Katie Calhoun  
**To:** Marc Kurschner  
**Sent:** Mon May 17 14:57:36 2010  
**Subject:** More Haiti AFP images...

Fyi, I've been working with Heather and Lisa Wilmer today to follow-up on the AFP Haiti images issue. It seems a couple of clients still have the images actively on their sites – doubt its willful, more that it's something that fell through the cracks. IN any case, two of the clients are Time.com and MTV. We're following up tomorrow.

I don't anticipate any big problems, but wanted to let you know.

Katie

Calhoun  
21  
9/8/11 AT

Redacted

---

**From:** Tori Purdy  
**Sent:** Monday, May 17, 2010 7:18 PM  
**To:** Larry Van Cassele; Katie Calhoun  
**Cc:** Suzanne Weller  
**Subject:** Re: Daniel Morel/AFP case - need more customer assistance

They got them from the feed. Marc Ryckoff contacted us prior to us alerting clients. I need to check my sent emails, but we alerted heather and I think we followed up with marc.

---

**From:** Larry Van Cassele  
**To:** Katie Calhoun; Tori Purdy  
**Cc:** Suzanne Weller  
**Sent:** Mon May 17 15:14:31 2010  
**Subject:** RE: Daniel Morel/AFP case - need more customer assistance  
Time was not on the list sent on 4/7 of clients who downloaded the images so I don't know where they got them.

**Larry Van Cassele** | Account Executive, Media | **gettyimages** | 75 Varick Street, 5th Floor, New York, NY 10013 | P: 646.613.3735 | F: 646.613.3601 | [www.gettyimages.com](http://www.gettyimages.com)

---

**From:** Katie Calhoun  
**Sent:** Monday, May 17, 2010 5:56 PM  
**To:** Tori Purdy; Larry Van Cassele  
**Cc:** Suzanne Weller  
**Subject:** FW: Daniel Morel/AFP case - need more customer assistance

Tori and Larry:

Heads up: it seems that Time.com is still using some of the Dan Morel Haiti images on their website, and Morel's lawyer has sent a letter to our legal department to that effect. Heather will forward screen grabs.

We'll need to have a conversation with them tomorrow about taking the images off their active websites, as that could conceivably be construed as willful infringement.

More to come tomorrow, but wanted to let you know.

Katie

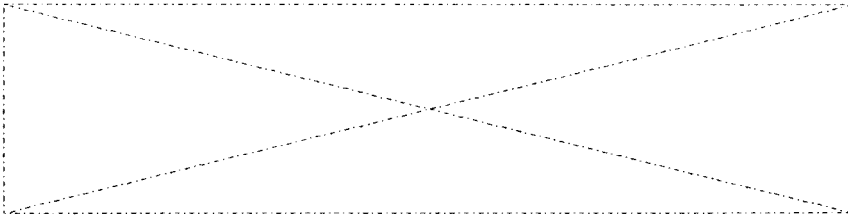
Redacted

1

Calhoun  
22  
9/9/11 AT

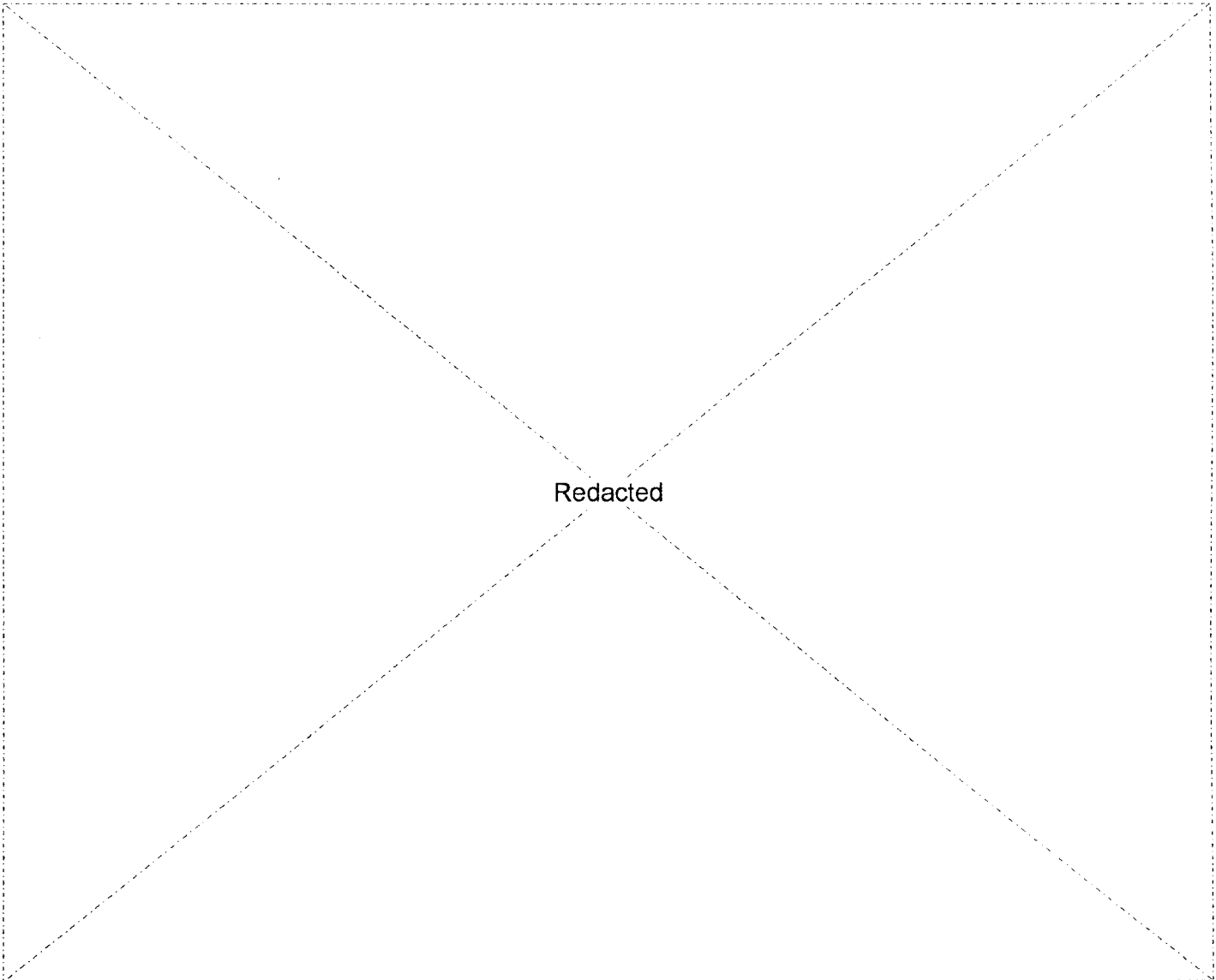
G008985

Redacted

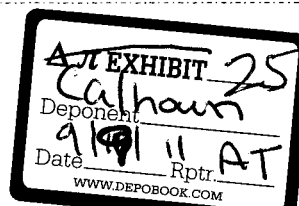


**From:** Suzanne Weller  
**Sent:** Friday, June 04, 2010 10:36 AM  
**To:** Katie Calhoun  
**Cc:** Justin Thompson  
**Subject:** RE: Earth Quake Photos used by CBS

The Hearst newspapers (San Antonio Times, Houston Chronicle, and the St. Louis Dispatch) were notified on May 18<sup>th</sup> and they were removed from their sites the same day.

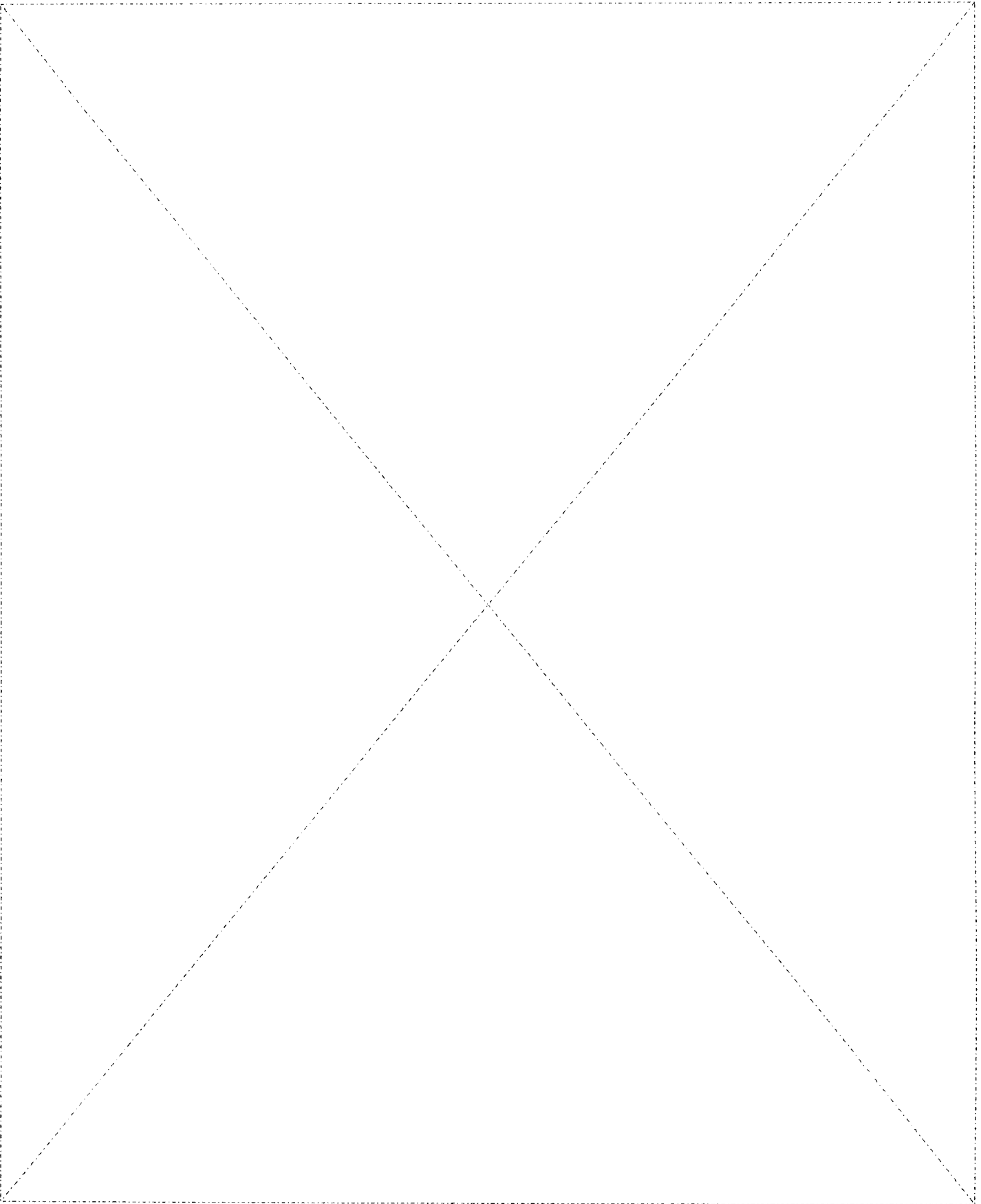


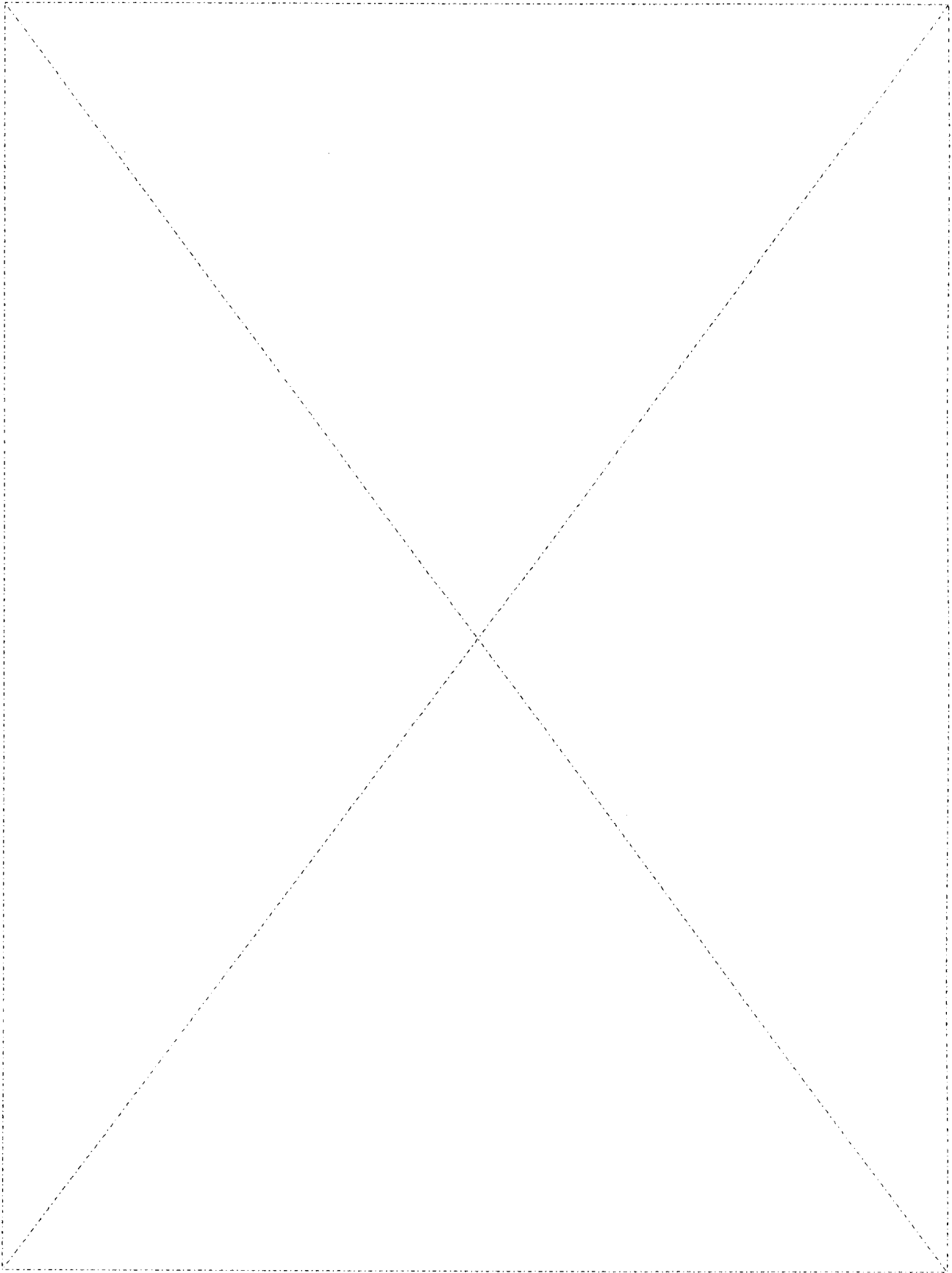
Redacted

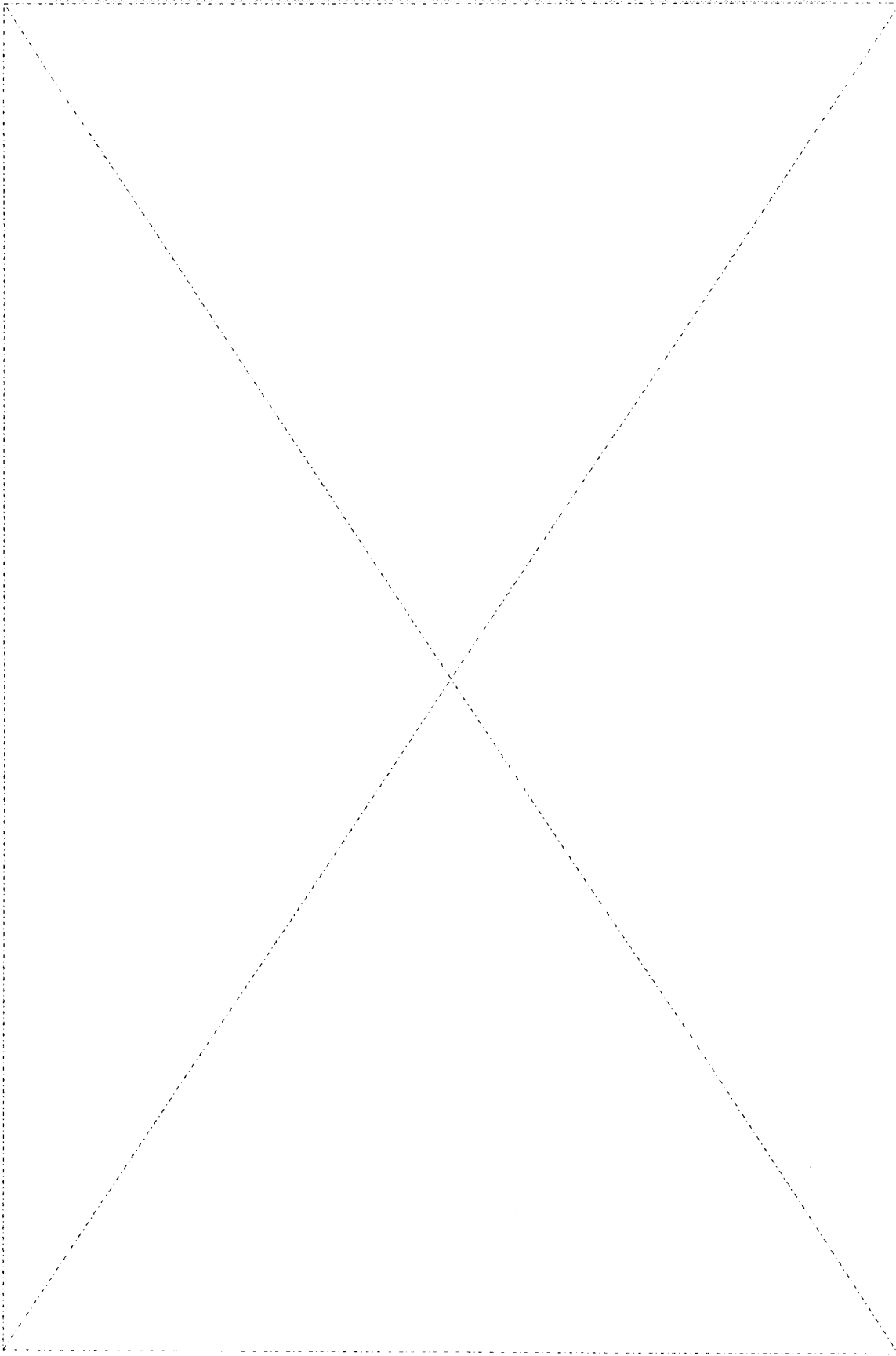


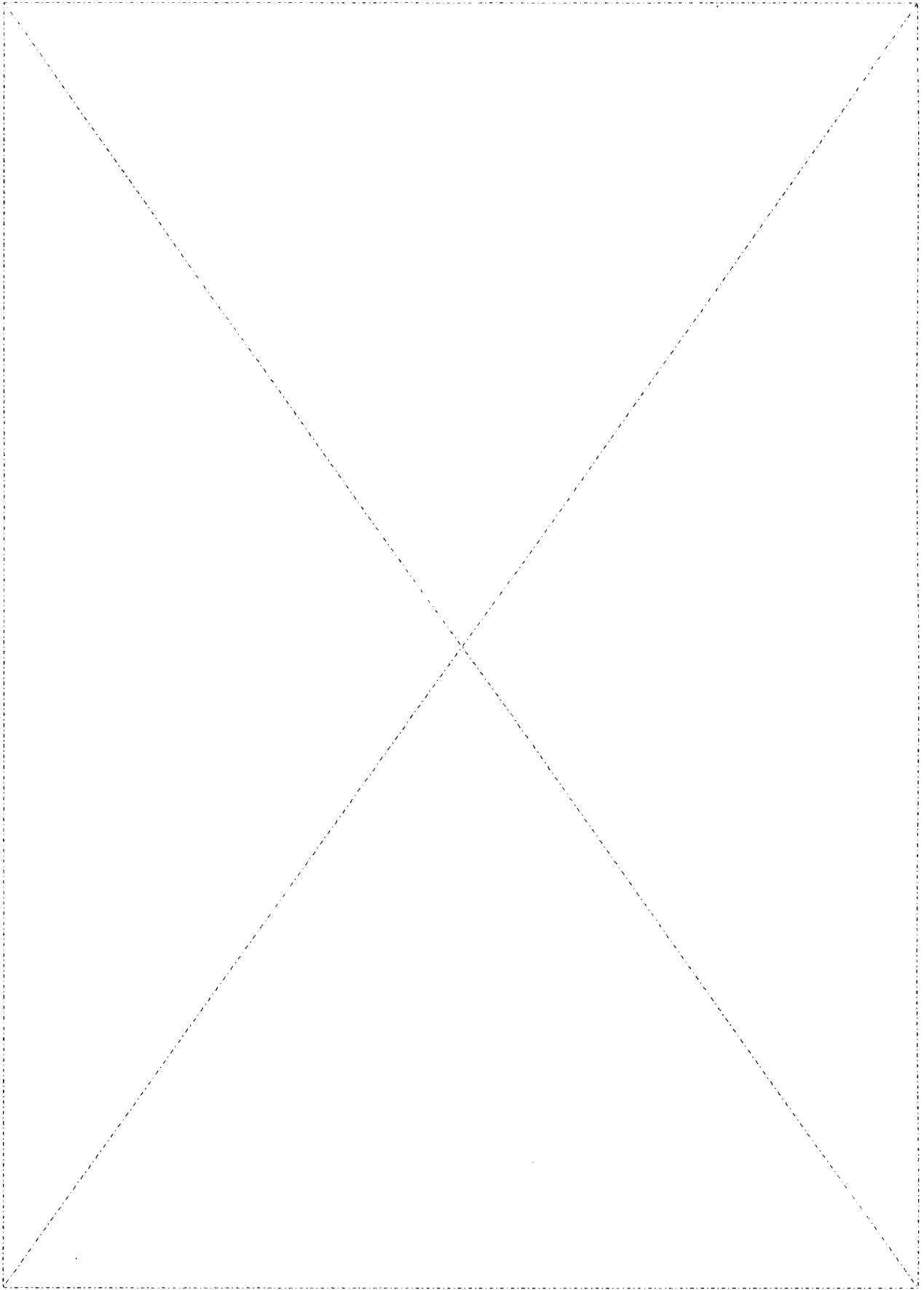
G008870

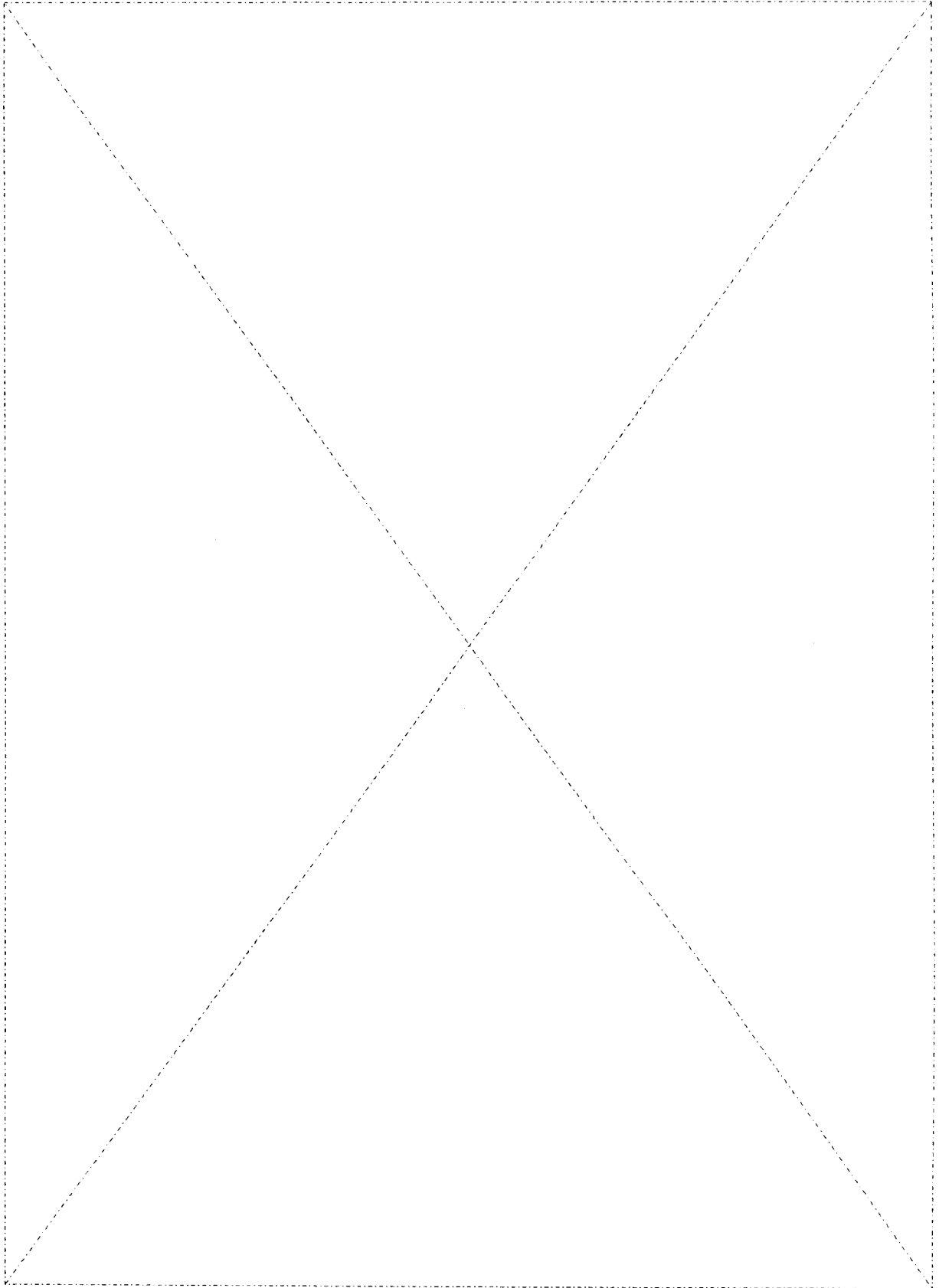


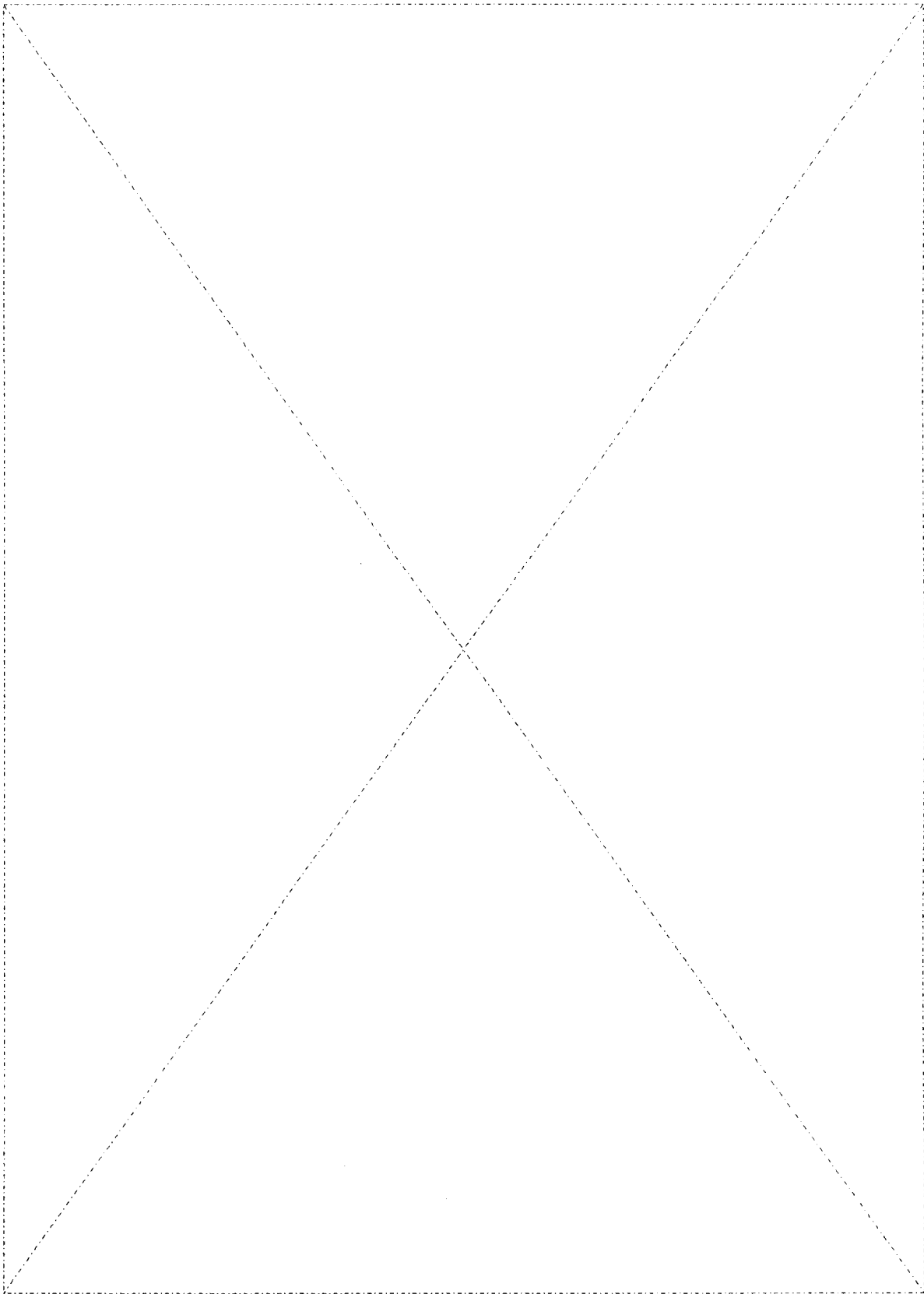












---

**From:** Sprague, Elizabeth [mailto:SpragueE@cbsnews.com]  
**Sent:** Wednesday, June 02, 2010 3:25 PM  
**To:** Erica Miranda  
**Subject:** Earth Quake Photos used by CBS  
**Importance:** High

Hey Erica

I am just wondering if you have any record of us downloading or using any of these earthquake photos they are apparently owned by Daniel Morel. He has been making a stir as you may know. If you have any record of us using or downloading them I'd love to know.

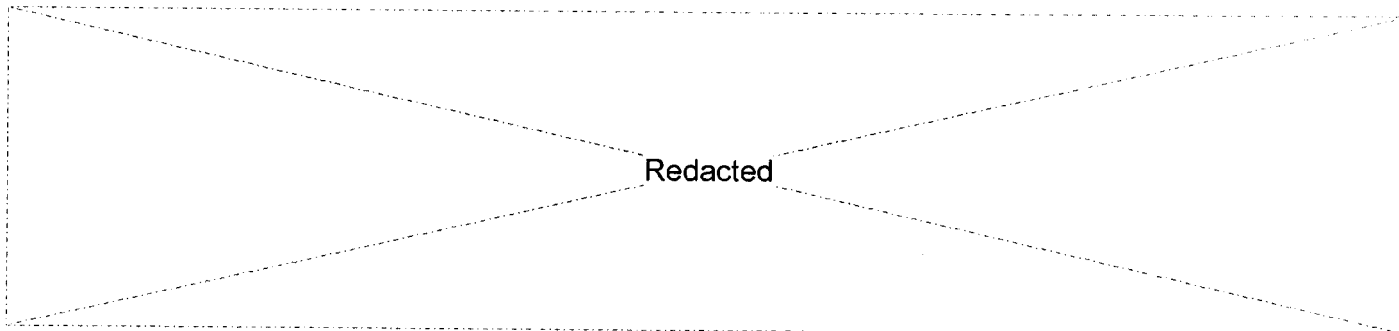
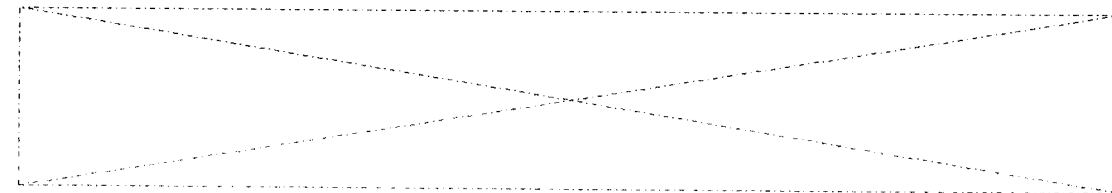
Thank you

Elizabeth

<image006.jpg> <image007.jpg> <image008.jpg>

<image009.jpg> <image010.jpg> <image011.jpg>

<image012.jpg> <image013.jpg> <image014.jpg>



**From:** Suzanne Weller  
**Sent:** Friday, June 11, 2010 10:28 AM  
**To:** Katie Calhoun  
**Subject:** FW: Getty Images - Haiti Earthquake Image Recall

FYI

**From:** Michel duCille [mailto:[ducille@washpost.com](mailto:ducille@washpost.com)]  
**Sent:** Thursday, June 10, 2010 7:46 PM  
**To:** Cynthia Edorh  
**Cc:** Heather Cameron; Suzanne Weller; Eric N Lieberman  
**Subject:** Re: Getty Images - Haiti Earthquake Image Recall

Cynthia,

We have removed the images (picture # 268,269, 270) from the Haiti gallery.

Regards

Michel du Cille  
Director of Photography, Multimedia, Video  
The Washington Post  
202-334-7376  
202-253-5309 cell

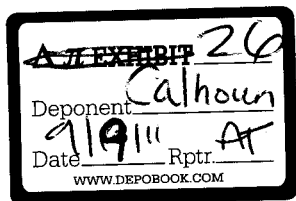
Cynthia Edorh <[cynthia.edorh@gettyimages.com](mailto:cynthia.edorh@gettyimages.com)>

06/10/2010 04:44 PM

To 'Michel duCille' <[ducille@washpost.com](mailto:ducille@washpost.com)>

cc Suzanne Weller <[Suzanne.Weller@gettyimages.com](mailto:Suzanne.Weller@gettyimages.com)>, Heather Cameron  
<[heather.cameron@gettyimages.com](mailto:heather.cameron@gettyimages.com)>

Subject Getty Images - Haiti Earthquake Image Recall





Hi Michel,

How are you? We have noticed 3 images used on washingtonpost.com that are now the subject of a copyright dispute.

As you know, Getty Images indemnifies you against any copyright claims that emerge as the result of an image you have obtained and licensed from us.

To further protect you against any copyright claims, we ask that you remove images 268, 269 and 270 on slideshow below (credited to Lisandro Suero-AFP/Getty Images)

<http://www.washingtonpost.com/wp-dyn/content/gallery/2010/01/12/GA2010011203712.html>

Thank you,  
Cynthia

Cynthia Eдорh  
Getty Images  
75 Varick Street, 5th Floor  
New York, NY 10013  
Tel 646 613 4548